



Non-Reportable

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**Civil Appeal Nos.....of 2025
(@ Special Leave Petition (C) Nos.21573-21574 of 2025)**

Phool Singh

...Appellant

Versus

Randheer Singh & Ors.

...Respondents

ORDER

Leave granted.

2. A civil revision, in which there were three respondents, was dismissed as abated, since the application to implead the legal heirs of the deceased second respondent was found to be filed grossly belated.

3. The learned counsel for the appellant contends that true, a mistake occurred on the part of the counsel for the appellant, insofar as not having taken steps to implead the legal heirs at the proper time. The intimation of the death of the second respondent and the details of the legal heirs were brought on

record by the counsel for the deceased respondent as early as in 2022, evident from Annexure P-3, indicating the death having occurred on 26.10.2017. The application to implead the legal heirs along with the application to set aside the abatement and condonation of delay occasioned was filed only on 27.02.2024. Even if the revision petition is abated as against the second respondent, there is no cause to dismiss the petition as such, since the contesting party was the first respondent, against whom the revision survives.

4. The learned counsel for the first respondent, on the other hand, submits that the entire process is a dilatory tactic, especially, since the direct brother of the appellant was in the party array and the deceased respondent is his uncle. There is no *bona fides*, even in the submission of the appellant that he came to know of the death only when an affidavit with the details of the legal heirs and intimating the death of the second respondent was brought on record.

5. Immediately we have to notice that the contesting respondent is also the uncle of the appellant. On facts, suffice it

to notice that the predecessors of the parties were one Rajdhar Singh whose children were the first respondent, the deceased second respondent and the father of the appellant herein. The first respondent filed a suit against the deceased second respondent and the brother of the appellant who was the nephew. A settlement was entered into on 13.05.1996 and a compromise decree was passed. The terms of the compromise decree having not worked out, the first respondent filed an appeal before the District and Sessions Judge, Sironj, Vidisha, Madhya Pradesh. There was a remand made upon which the learned Civil Judge passed a judgment and decree on 28.02.2003.

6. The appellant herein, the nephew of the first respondent herein and the deceased second respondent filed an application for setting aside the *ex parte* decree under Order 9 Rule 13 of the Code of Civil Procedure, 1908¹ which stood dismissed. A civil miscellaneous appeal filed as MCA No.02-02/2007 was rejected on 13.02.2012 against which the revision

¹ for short, the CPC

was filed. In the revision, the parties were the first respondent-Randheer Singh, the plaintiff, the second respondent-Aman Singh, who later died, both of whom were sons of Rajdhar Singh and the third respondent-Kallu @ Kishan Singh, the brother of the appellant. The appellant Phool Singh is also the son of Ratan Singh.

7. The second respondent in the revision died on 26.10.2017 which was brought to the notice of the Court by Annexure P-3 dated 20.04.2022. True, there was substantial delay in filing the application for impleadment along with the application to set aside abatement and condonation of delay occasioned in filing of both the above applications.

8. What is pertinent is that merely because the second respondent's legal heirs were not impleaded and the revision stood abated with respect to him, it cannot stand abated against the other respondents. The High Court had clearly erred in dismissing the civil revision petition as abated merely because the legal heirs of one of the respondents was not impleaded within time after the death of that respondent. In such

circumstances, we set aside the order of the High Court impugned herein.

9. Before us, the legal heirs of the second respondent in the civil revision petition; impleaded in this appeal as an abundant caution, also appears through a learned Counsel. It is stated by the learned counsel that the legal heirs too have filed an appeal from the impugned order in the above case. The legal heirs also are desirous of appearing in the civil revision and agitating their cause.

10. In the overall circumstances, as seen from the above, we are convinced that not only should the civil revision be restored, the legal heirs of the second respondent should also be permitted to be impleaded.

11. We make this order to ensure that there is a proper adjudication of the issue. Despite laxity of the appellant, the revision petitioner, in not having impleaded the legal heirs immediately after the death of the second respondent, who was his uncle, the legal heirs of the second respondent are entitled to agitate their cause.

12. The appeals are allowed with the above directions, and the parties are directed to appear before the High Court on 23.01.2026. The revision shall be considered on its own merits.

13. Pending application, if any, shall stand disposed of.

..... J.
(AHSANUDDIN AMANULLAH)

..... J.
(K. VINOD CHANDRAN)

**NEW DELHI
DECEMBER 17, 2025.**