

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMPMO No. : 567 of 2019

Decided on : 01.10.2026

Heera Singh

...Petitioner

Versus

Raj Rani & Others

...Respondents

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?¹

For the petitioners : Mr. Sanjeev Kuthiala, Senior Advocate
vice Ms. Tamanna Sharma & Ms. Priti
Thakur, Advocates.

For the respondents : Mr. Saurav Rattan, Advocate, for
respondent No.1.

Mr. V.S. Chauhan, Senior Advocate
with Mr. Arthav Gharaik, Advocate,
for respondent No.2.

Virender Singh, Judge (Oral)

Petitioner-Hira Singh has approached the Court
under Article 227 of the Constitution of India, against the
order dated 12.06.2019, passed by the Court of learned Civil
Judge, Nahan, District Sirmaur, H.P. (hereinafter referred to

¹ *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

as 'the trial Court'), passed in an application under Order 1 Rule 10 of the Code of Civil Procedure (hereinafter referred to as 'the CPC'), moved by the petitioner in a suit titled as Raj Rani versus Rajesh Kumar and Others.

2. Parties to the present *lis*, are hereinafter, referred to, in the same manner, in which, they were referred to by the learned trial Court.

3. Brief facts, leading to filing of the present petition before this Court, as borne out from the documents, annexed with the petition, may be summed up, as under:-

4. Plaintiff-Raj Rani has filed the suit for possession, by way of partition, against Rajesh Kumar and others. In the said suit, the learned trial Court has passed the preliminary decree vide judgment dated 22nd May, 2010.

5. When, the *lis* was pending for final adjudication, the applicant has filed an application, under Order 1 Rule 10, and Order 22 Rule 10-A, read with Section 151 of the CPC, for impleading him, as defendant, in the present *lis*, being necessary and aggrieved party.

6. The impleadment has been sought, on the ground that applicant Hira Singh, vide registered sale deed No.760 dated. 09.10.2026, has purchased 5/8 share from the co-sharers, namely; Manoj Kumar, Smt. Sangeeta and Smt. Lajja Devi, who were arrayed, in the said *lis*, as defendants No.4 to 6.

7. On the basis of purchase, made from the co-sharers, applicant Heera Singh has asserted his claim, in the subject matter of the *lis*.

8. The suit application has been contested by the defendants, as well as, by the plaintiff.

9. The learned trial Court, vide order dated 12.06.2019, has dismissed the said application, mainly on the ground that the preliminary decree for partition has already been passed on 22.05.2010, whereas, the applicant has purchased the share on 09.10.2006. This fact has been taken, as knowledge of the applicant, with regard to the pendency of the *lis*.

10. The said order has been assailed, by way of the present petition, before this Court.

11. Heard.

12. Admittedly, the applicant has purchased 5/8 share from defendants No.4 to 6. The applicant has purchased the share of the persons, who have been impleaded, in the lis. Certainly, he has right to step into the shoe of the above named defendants.

13. Now, the only question, which remains to be adjudicated is whether the preliminary decree, passed in this case, on the impleadment of the applicant, as defendant, can be altered or modified or not.

14. The answer to this question is in negative, as the the applicant has right to claim the final decree, even after filing the objections, during the said proceedings, which cannot be curtailed.

15. Consequently, the petition is allowed and the order dated 12.06.2019, passed by the learned trial Court, is ordered to be set aside, by impleading the applicant, as defendant No.4, in place of defendants No.4 to 6, whose names are ordered to be deleted from the array of parties.

16. Keeping in view the fact that the *lis* is pending before the learned trial Court from the year 2006, as such, the learned trial Court is requested to decide the matter, as per law, on or before **31st March, 2027**.

17. Parties to the *lis* are directed to appear before the learned trial Court on **15th October, 2026**, at **10.00 a.m.**

18. Pending application(s), if any, shall also stand disposed of.

October 01, 2026_(ps) (**Virender Singh**)
Judge