

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No.2410 of 2014

Date of Decision: September 22, 2015

Banwari

.... Petitioner

vs.

Rameshwar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sumit Sangwan, Advocate for the petitioner.

Dr. Parveen Hans, Advocate for respondent No.1.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Impugned in the present revision petition is the order dated 25.03.2014 (Annexure P-1) passed by learned Civil Judge (Jr. Divn.), Charkhi Dadri, vide which the application of the plaintiff-petitioner under Section I, Rule 10 read with Section 151 CPC, for impleading Vedparkash, Roopchand and Vinod son of Rameshwar as necessary party, was dismissed.

I have heard learned counsel for the parties and have also carefully gone through the case file.

Suffice to say that the plaintiff-petitioner had filed a suit of partition before the lower court. In the written statement, the family partition of 2004 was pleaded but the exact date of the settlement

deed was not specifically mentioned. It is stated that now the registered family settlement deed No.3274, dated 31.08.2004 has been proved by the defendant, in which some portion has been transferred to Vedparkash, Roopchand and Vinod. Therefore, they are the necessary party.

A perusal of the written statement shows that the said registered family settlement 31.08.2004 was not specifically pleaded. Now the same has been proved in the statement of DW3. Therefore, any evidence beyond the pleadings cannot be considered. Consequently, Vedparkash, Roopchand and Vinod are not necessary party on the basis of said registered family settlement.

Accordingly, the present revision petition stands dismissed.

September 22, 2015
sarita

(KULDIP SINGH)
JUDGE