

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

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**Date of Decision:10.12.2015**

**1. CR No.3385 of 2013**

|                                  |                         |
|----------------------------------|-------------------------|
| <b>Sandeep Kumar and another</b> | <b>.....Petitioners</b> |
| <b>Vs.</b>                       |                         |
| <b>Smt. Rajwanti and others</b>  | <b>.....Respondents</b> |

**2. CR No.3017 of 2015**

|                                  |                         |
|----------------------------------|-------------------------|
| <b>Amarjeet Singh and others</b> | <b>.....Petitioners</b> |
| <b>Vs.</b>                       |                         |
| <b>Smt. Rajwanti</b>             | <b>.....Respondent</b>  |

**CORAM:- HON'BLE MR. JUSTICE K. KANNAN**

Present:- Mr. R.S. Budhwar, Advocate and Mr. Vivek Goyal,  
Advocate for the petitioners.

Mr. P.S. Poonia, Advocate for respondent- Rajwanti.

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**K. KANNAN, J.(Oral)**

In the pending suit for declaration challenging mutation in favour of the step sister of the plaintiffs, there was an application for impleadment brought under Order 1 Rule 10 of persons to whom rights of the plaintiffs were said to have been released through a registered document. There was also a prayer for amendment setting out the facts of relating to release in the plaint. Applications were dismissed.

The order is erroneous. The petitioners are the proper parties and they are to be impleaded either under Order 22 Rule 10 or under Order 1 Rule 10 CPC. The order is set aside and the impleadment is ordered. The amendment consequent to the impleadment setting out the fact of release is also allowed. The defendant shall be permitted to file an

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amendment or additional written statement under Order 8 Rule 9 CPC which shall be restricted to the averment brought by amendment and the status of the newly added parties/ plaintiffs.

The revision petitions are allowed and the impugned orders are set aside on the above terms.

Registry to place a photostat copy of this order on the connected file.

**December 10, 2015**  
**renu**

**( K.KANNAN )**  
**JUDGE**