

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CR No.42 of 2015

Date of Decision:-06.01.2015

Smt. Sadhna.

.....Petitioner.

Versus

Smt. Lajwanti & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ravinder Hooda, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

The applicant/petitioner is in revision assailing the order dated 19.09.2014 passed by the learned Civil Judge(Sr. Divn.), Rohtak whereby her application under Order 1 Rule 10 CPC for impleadment during the stage of framing of a final decree of partition has been dismissed.

In brief, facts of the case are that the plaintiff Smt. Lajwanti has two sons namely Krishan Lal-defendant no.1 and Vishal Dhingra-defendant no.2. Defendant nos.3 to 5 are co-owners of the suit property with defendant nos.1 & 2. The defendants nos.1 & 2 & 3 & 4 have also undertaken the business in partnership in the suit property in the name of Akashdeep Saree Store by registering a partnership deed. The plaintiff-mother has filed a suit for partition and rendition of account of rent on the plea that the suit property was actually purchased by her husband in the name of their sons defendant nos.1 & 2. A preliminary decree dated

20.02.2009 has concededly become final and when the application for framing a final decree after the receipt of Local Commissioner report partitioning the suit property by meets and bounds, the applicant-wife of defendant no.1-Krishan Lal filed an application for her impleadment with the assertion that her brother-in-law/defendant no.2 had gifted his share in the suit property and, therefore, is a necessary party. The said application has been dismissed by the learned trial Court vide impugned order.

Having heard learned Counsel for the petitioner at length and perusing the facts, this Court is in agreement with the reasons recorded by the learned trial Court. The petitioner was throughout in the knowledge of the said proceedings as defendant no.1 is none else than her husband Krishan Lal Dhingra. Her brother in law Vishal Dhingra has also in the proceedings before the Local Commissioner talked of the gift deed, therefore, whatever rights the petitioner has, she would succeed qua the share of said Vishal Dhingra. The present application and revision is only an effort to defeat the decree passed in favour of her mother-in-law plaintiff, which has to be deprecated.

In view of the above, finding no merit in the present revision petition, the same is hereby dismissed with costs of Rs.5,000/- to be deposited with State Legal Services Authority, Rohtak.

(JASWANT SINGH)
JUDGE

January 06, 2015
Vinay