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

**CR No.4117 of 2013**

**Date of decision: March 12, 2015**

Lal Singh

.....Petitioner

Versus

Dara Singh and another

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

**Present:** Mr.M.K. Bhatnagar, Advocate  
for the petitioner.

Mr. Shivoy Dhir, Advocate  
for the respondents.

**SABINA, J**

Petitioner has filed this petition challenging the order dated 02.05.2012 passed by the trial Court, whereby application moved by the petitioner under Order 1 Rule 10 of Code of Civil Procedure, 1908 ('CPC' for short) and Order 6 Rule 17 CPC, was dismissed.

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

Petitioner has filed suit for declaration to the effect that he was the owner in possession of the suit land to the extent of half share and the mutation of exchange bearing N.3299 in favour of defendant No.1, was illegal, null and void. Defendants in their written statement took up the plea that the property in question had been sold by defendant No.1 measuring 5 Kanals 0 Marlas out of 15 Kanals 2 Marlas land to

Ajmer Singh and Ravail Singh vide sale deed dated 12.08.2009.

In order to meet the said objection, petitioner moved an application under Order 6 Rule 17 CPC and Order 1 Rule 10 CPC for permission to implead the purchasers Ajmer Singh and Ravail Singh as defendants No.3 and 4 and further has sought permission to amend the pleadings accordingly.

Since the application had been moved by the petitioner to meet the objection raised by the defendants in their written statement, learned trial Court fell in error in dismissing the application filed by the petitioners to implead the purchasers Ajmer Singh and Ravail Singh as defendants No.3 and 4. Infact, Ajmer Singh and Ravail Singh would be necessary party as defendant No.1 had sold the part of the suit property to them vide sale deed dated 12.08.2009. The newly added defendants would be at liberty to take up all the pleas available to them in support of their claim. In case, Ajmer Singh and Ravail Singh are impleaded as defendants No.3 and 4, lis between the parties would be disposed of in a more just and fair manner.

Accordingly, impugned order dated 02.05.2012 is set aside. Consequently, application moved by the petitioner under Order 6 Rule 17 CPC and under Order 1 Rule 10 CPC read with Section 151 CPC (Annexure P-2), is allowed.

**(SABINA)  
JUDGE**

**March 12, 2015**

*m.singh*