

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

**CR No.4894 of 2012 (O&M)
Date of decision: 26.11.2015**

Udai Singh Sibia and others

... Petitioners

versus

Dalbara Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. B.R. Mahajan, Senior Advocate with
Mr. Prateek Mahajan, Advocate for the petitioners.

Mr. D.K. Singla, Advocate,
for respondent Nos. 1 to 3, 6 and 7.

K.Kannan, J.

In the suit for injunction for 1/6th share claiming to be a purchaser from one Rupinder Kaur against the children of Rupinder Kaur, a “3rd party application” for impleadment was dismissed. The 3rd parties are admittedly the persons who are shareholders of the persons having inherited a half share from the common ancestor through 1st wife Dalip Kaur.

Normally in a suit for injunction, the plaintiff will seek for the relief against any person who he chooses. The issue of title will become irrelevant for a 3rd party to press for an adjudication. However, if the relief for injunction is itself with reference to an undivided 1/6th share claiming the right through the transfer from one Rupinder Kaur and 3rd parties are admittedly shareholders in respect of the very same property, it will be only appropriate that an adjudication is brought in their presence to avoid further complications later at the stage of execution or for realization of fruits of the decree. The impleadment ought to have been ordered.

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The impugned order is set aside and the civil revision petition is allowed.

(K.KANNAN)
JUDGE

26.11.2015
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