

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

Civil Revision No.5341 of 2014

Date of decision: 25.08.2015

Hari Singh and others

... Petitioners

versus

Sukhbir

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

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

Mr. Jaivir Yadav, Advocate,
for the respondent.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. In a case where there is not even a defence that the plaintiffs have not impleaded the necessary parties, the apprehension expressed that the suit will fail for non-joinder of necessary parties is needless. The plaintiffs' contention is that the sisters were not made parties in the declaratory action. I will not find this to be relevant and I will foreclose the defendants from taking up any such plea, for, in law even if the plaintiffs are co-owners with the sisters, they can maintain an action against third party so long as no adverse interest is claimed against the other co-owners, namely, the sisters.

The dismissal of the application for withdrawal of the suit is maintained but the plaintiffs will be protected from carrying on with the suit as representatives for their sisters as well in their capacity as co-owners which the law permits.

2. The revision petition is disposed of.

(K.KANNAN)
JUDGE

25.08.2015
sanjeev