IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No.7761 of 2015
Date of decision: 18.12.2015

Mohinder Singh and others ... Petitioners

Vs.

Hardev Singh and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Jatinder Singla, Advocate
for the petitioners.

Mr. Rajbir Singh, Advocate
for respondents No.23 and 24.

Mr. Chater Bhuj Goel, Advocate
for respondents No.51 and 52.

Ms. Amandeep Kaur, Advocate &
Ms. Gagandeep Kaur, Advocate
for respondent No.53.

AMIT RAWAL J. (Oral)

Learned counsel for the petitioners submits that respondents No.1 to 9 are the only contesting respondents and service upon the remaining respondents may be dispensed with.

Ordered accordingly.

However, there is no representation on behalf of respondents No.1 to 9.

Mr. Jatinder Singla, learned counsel for the petitioners

SAVITA DEVI KADIAN
2015.12.24 09:37
I attest to the accuracy and
integrity of this document
High Court Chandigarh

further submits that respondents No.1 to 9 were proceeded against ex parte before the trial Court also.

The petitioner-plaintiffs are aggrieved of the order dated 21.10.2015, whereby, the application filed under Order 1 Rule 10 of the Code of Civil Procedure, for impleading Hakam Singh son of Santa Singh son of Chitu as defendant No.56, Balbir Singh son of Chitu son of Roda as defendant No.57 in the suit, has been rejected.

The main contention in the application is that suit was filed for declaration and joint possession and in the absence of all the co-owners, there would have been defect in suit for want of proper and necessary parties.

Mr. Jatinder Singla, learned counsel for the petitioner-plaintiffs submits that they do not want to lead any evidence, in case, the aforementioned persons are allowed to be impleaded.

I have gone through the impugned order vide which the trial Court declined the application under Order 1 Rule 10 of the Code of Civil Procedure, for impleading the aforementioned persons on the ground that it is too late in a day, to allow the impleadment of aforementioned defendants as co-owners, as the suit was filed on 07.01.2012. Since the submission has been made on behalf of the petitioner-plaintiffs that they would not lead any evidence, I am of the view that prayer made in the application is most innocuous and even otherwise, in a suit, as noticed above, presence of all co-sharers is essential and necessary. Accordingly, the impugned order is set

SAVITA DEVI KADIAN
2015.12.24 09:37
I attest to the accuracy and
integrity of this document
High Court Chandigarh

aside and the revision petition is allowed. Resultantly, application under Order 1 Rule 10 of the CPC, is allowed.

(AMIT RAWAL)
JUDGE

December 18, 2015
savita

SAVITA DEVI KADIAN
2015.12.24 09:37
I attest to the accuracy and
integrity of this document
High Court Chandigarh