

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.8353 of 2015 (O&M)

Date of Decision.09.12.2015

Nand Lal

.....Petitioner

Vs.

Tarsem Lal and others

.....Respondents

Present: Mr. Hardial Singh Baath, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. In a suit for declaration relating to share of the property of the father, the defendant who is the brother claims to have made reference to the Will and by virtue of the Will he has sold the property to several persons. The person who purchased the property was a coloniser and he has moved an application for impleadment stating that he has right in the property and he will be directly affected by any decision that is taken in the suit. The application has been allowed.

2. The learned counsel for the petitioner relies on the judgment in *Dalvir Singh and others Vs. Gurdharshan Singh and others 2001(1) CCC 58* to contend that the plaintiff is the master of his action and therefore, he cannot be compelled to implead any person whom he does not want to implead. The contention is erroneous, for, if the plaintiff claims ownership of the property as sharer to the estate of the father and the defence on the basis of the Will excluding the

plaintiff's right and the rights in the property have transmitted to others, any other person who is interested in the property is entitled to have his audience in Court and if he has moved an application and the Court has allowed the same, I will find no error for interference in the revision petition.

3. The revision petition is dismissed.

(K. KANNAN)
JUDGE

December 09, 2015
Pankaj*