

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No.243 of 2016

Date of Decision:15.1.2016

Gurnam Ram Chahal

---Petitioner

vs.

Swaran Kaur Chahal and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. H.K.Aurora, Advocate
for the petitioner

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

Rekha Mittal,J.

The present petition lays challenge to order dated 7.12.2015 passed by the Additional Civil Judge (Senior Division), Jalandhar whereby an application filed by the petitioner under Order VI Rule 17 read with Order I Rule 10 and Section 151 of the Code of Civil Procedure (in short “CPC”) for amendment of the plaint and impleadment of Gurdev Kaur as defendant No. 3 was dismissed.

Counsel for the petitioner has submitted that the petitioner filed

a suit against respondents No. 1 and 2 directing them to honour the terms and conditions of compromise dated 23.1.2008 arrived at between the parties in civil suit No. 8 of 2007 titled “Swaran Kaur Chahal and others vs. Joginder Lal Chahal and others”. As per the agreement, it was decided that in case Swaran Kaur alienates the property, she would give first option to the petitioner.

The respondents filed the written statement and pleaded that they are not negotiating to sell the property. The petitioner came to know that respondent No. 1 has sold the property and created third party interest in favour of Gurdev Kaur wife of Des Raj vide full and final agreement to sell dated 21.10.2010. Gurdev Kaur installed electricity connection in the suit property bearing No. J14CF38147011. She also filed the suit against the petitioner which is pending in the Court of Civil Judge (Junior Division), Jalandhar. Counsel would submit that in view of the facts which came to knowledge of the petitioner during pendency of the suit and as revealed by Smt. Gurdev Kaur in the suit instituted by her, it is necessary to amend the suit in order to lay challenge to the agreement dated 21.10.2010 propounded by Smt. Gurdev Kaur after impleading said Gurdev Kaur as one of the defendants in the suit. It is further argued that the learned trial court committed a serious error in disallowing the application when otherwise impleading of Gurdev Kaur and amendment of the plaint are necessary for complete and effective adjudication of the matter in controversy as well as to avoid multiplicity of proceedings.

I have heard counsel for the petitioner, perused the records and find no reason to interfere.

Counsel for the petitioner has not denied that earlier to the present application, the petitioner filed a similar application under Order I Rule 10 CPC for impleading Gurdev Kaur as a party on the plea that she had installed electricity connection in the property in dispute. The said application was dismissed by the Court vide order dated 6.4.2015 and the same has attained finality. It is also an admitted fact that Gurdev Kaur has already filed a suit in which the present petitioner and the respondents have been impleaded as a party. In case, the petitioner wants to assail the agreement allegedly propounded by Gurdev Kaur in the said suit, he is at liberty to take appropriate plea in the written statement or file a counter claim, if permissible, in accordance with law. In this view of the matter, I do not find any error much less illegality in the impugned order as would call for intervention.

For the reasons aforesaid, the petition fails and is accordingly dismissed. No order as to costs.

(Rekha Mittal)
Judge

15.1.2016
paramjit