

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3747 of 2014 (O&M)

Date of Decision: 02.02.2016

Rajinder Kaur

... Petitioner(s)

Versus

Bhupinder Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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

Present: Mr. Damanbir Singh Sobti, Advocate
for the petitioner.

Mr. Arvinder Singh, Advocate
for respondent No.3.

Shekher Dhawan, J.

Present petition is challenge to the order dated 18.2.2014 (Annexure P1) passed by learned Civil Judge (Junior Division), Ludhiana, whereby application under Order 1 Rule 10 CPC, filed by Ranbir Singh Sekhon-respondent No.3, was allowed.

Relevant facts of the case that suit property was owned by one Mohinder Singh, who died on 6.3.2010 leaving behind Rajinder Kaur (widow), Ranbir Singh (son) and one daughter. Rajinder Kaur (widow of Mohinder Singh) had challenged the sale deed allegedly executed by her husband in favour of defendant No.1 through

defendant No.2 Ranbir Singh, son of Mohinder Singh, moved an application under Order 1 Rule 10 CPC for his impleadment on the ground that he is owner of the property on the basis of natural succession and the said application was accepted by the Court below vide order dated 18.2.2014. The said application was contested by plaintiff-Rajinder Kaur on the ground that applicant has no cause of action to file such application. More so, applicant tried to mislead the Court by taking a plea that Will dated 19.9.1970 is a forged document, although the said Will was duly accepted to have been executed in favour of plaintiff Rajinder Kaur and affidavit to that effect was also executed. More so, probate on the basis of said Will was issued by High Court of Justice at United Kingdom. None of the property of Mohinder Singh is ancestral, which has come to the share of plaintiff through Will. Therefore, outcome of the suit, which is against Bhupinder Singh, shall have no effect on the alleged rights of Ranbir Singh and the application deserves dismissal. On these facts, the Court below accepted the application.

Learned counsel for the petitioner submitted that main civil suit is at the instance of Rajinder Kaur against Bhupinder Singh who had forged the sale deed and Bhupinder Singh has been arrayed as defendant No.1 and Sukhwinder Kaur, at whose instance the sale deed has been executed in favour of Bhupinder Singh, has been arrayed as defendant No.2. Ranbir Singh is not a necessary party for adjudication of the suit and the impugned order dated 18.2.2014 is liable to be set aside.

Learned counsel for respondent No.3 took the plea that main dispute is with regard to property left by Mohinder Singh and Ranbir Singh is none else but natural son of Mohinder Singh and that way the real dispute is between mother and son. Plaintiff Rajinder Kaur, widow of Mohinder Singh, is claiming the entire property left by Mohinder Singh, whereas Ranbir Singh is claiming his right in the property on the basis of natural succession.

Needless to mention that separate litigation is going on by way of civil suit titled "Bhupinder Singh v. Parminder Singh & Others". In that suit, Rajinder Kaur as well as Ranbir Singh have been arrayed as defendants.

In view of the given facts, the Court below has rightly taken the view that Ranbir Singh is necessary and proper party for adjudication of the present litigation and the impugned order dated 18.2.2014, whereby Ranbir Singh has been ordered to be impleaded as defendant, is in accordance with the provisions of law as envisaged under Order 1 Rule 10 CPC. There is no illegality in the order under challenge and present petition stands dismissed.

(Shekher Dhawan)
Judge

February 2, 2016

"DK"