

In the High Court of Punjab and Haryana at Chandigarh

CR-5085-2016 (O&M)

Date of decision: 10.8.2016

Swati and others

.....petitioners

Versus

Anju and others

..... respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Manoj Kaushik, Advocate
for the petitioners.

RAJ MOHAN SINGH, J.(oral)

1. Petitioners have assailed the order dated 26.5.2016 passed by District Judge, Family Court, Faridabad declining their prayer under Order 1 Rule 10 CPC for getting themselves impleaded in a pending suit.

2. Petitioners No.1 to 3 are real sisters of Narender Singh (husband of respondent No.1). Petitioners No.4 is mother of Narender Singh (mother-in-law of respondent No.1). Respondent No.1 is facing criminal prosecution in question for the death of her husband. Respondent No.1 along with minor daughter filed a suit for maintenance under Section 19 of the Hindu Adoption and Maintenance Act (for short 'the Act') against father-in-law Jaipal Singh (proforma respondent herein). In the aforesaid suit, petitioners moved an application for impleading them as necessary party defendants.

3. Apparently, the suit itself is filed under Section 19 of the Act, wherein, the petitioners have no role to play either in assisting Jaipal Singh or taking any share of the property meant for the plaintiffs in terms of Section 19 of the Act. It has been argued before this Court that respondent No.1 is facing criminal prosecution on account of suicide note of Narender Singh and after his death, Jaipal Singh has gone in depression, therefore, he cannot defend his case. Jaipal Singh has already executed a Will in favour of his wife in respect of self acquired property owned by him. Petitioners claimed themselves to be joint owners in actual possession of the property in the capacity of co-sharers. The application was opposed by respondent No.1 on the ground that the suit under Section 19 of the Act has been filed against father-in-law Jaipal Singh only and thus, applicant-petitioners have nothing to do in terms of requirement of law. Neither they are interested parties nor they have any right whatsoever and nor their rights would be prejudiced in any manner by not impleading them as necessary party to the suit.

4. Respondent No.1 was married to Narender Singh on 14.5.2011. A daughter was born out of this wedlock. The murder of Narender Singh was claimed to be on different note. The police investigation is statedly pending. Minor daughter lives with her mother. Petitioners No.1 to 3 are married daughters of Jaipal Singh. As per requirement of Section 19 of the Act, claim, if any, on behalf of the petitioners would not come in the way of maintenance permissible to respondent No.1 from her father-in-law, therefore, they cannot be treated to be necessary party in the suit filed under

Section 19 of the Act.

5. In view of aforesaid, no illegality can be found in the impugned order passed by the trial Court. This revision petition is accordingly dismissed.

(RAJ MOHAN SINGH)
JUDGE

August 10, 2016
anita

Whether speaking/reasoned Yes / No

Whether reportable Yes / No