

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. CR No.5080 of 2014
Date of decision : 07.11.2016

Hardeep Singh and others

...Petitioners

Versus

Jeet Singh and others

..Respondents

2. CR No.2642 of 2014
Date of decision : 07.11.2016

Hardeep Singh and others

...Petitioners

Versus

Jeet Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. G.L. Bajaj, Advocate for the petitioners.

Mr. K.S. Sidhu, Advocate for respondent Nos.1, 3 and 4.

Ms. Mansi Bansal, Advocate for respondent No.2.

AMIT RAWAL, J. (Oral)

This order of mine shall dispose of aforementioned two revision petitions, whereby application moved by defendant Nos.4 to 8 for transposition themselves as plaintiffs in suit seeking declaration, whereby

gift deed dated 13.06.2002 has been sought to be set aside in favour of defendant No.1, has been dismissed.

Mr. G.L. Bajaj, learned counsel appearing on behalf of petitioners submits that both the applications have erroneously been dismissed as originally when the suit aforementioned was filed in the year 2008, the petitioners had been arrayed as proforma defendant Nos.4 to 8 were earlier co-plaintiffs. Due to the pressure and threat wielded by the defendant No.1, an application for withdrawal of the name from the suit was moved, but instead of same, the petitioners were allowed to be transposed as defendant Nos.4 to 8. No doubt written statement admitting the contents of gift deed has been filed, but owing to the threats, the petitioner pitied against defendant No.1. Realizing that all the aforementioned facts would go against them, moved an application for transposing them as plaintiffs which has erroneously, been dismissed.

Per contra, Mr. K.S. Sidhu, learned counsel appearing on behalf of respondent Nos.1, 3 and 4 and Ms. Mansi Bansal, learned counsel appearing on behalf of respondent No.2 submits that suit is at the final stage and it is too late in day to seek transposition. There is categoric admission which would tantamounts to withdrawal of the same as valuable right has been accrued and rightly so, application has been dismissed.

I have heard learned counsel for parties and appraised the paper book and of the view that there is no force and merit in the submissions of Mr. G.L. Bajaj, for, it is too late in the day for the petitioners to move an application for transposition at the final stage of the suit once particularly there is admission qua gift deed. If the aforementioned application is

allowed, it tantamounts to take away valuable right accrued in favour of defendant No.1 and rightly so, application has been dismissed.

I do not intend to differ with the findings rendered by the Courts below.

Accordingly, both the revision petitions stand dismissed.

07.11.2016

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No