

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

C.R. No.536 of 2016

Date of Decision.28.01.2016

Sher Singh

.....Petitioner

Vs.

Jagdish Singh and others

.....Respondents

Present: Mr. Sunil Garg, 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. The revision petition is at the instance of the defendant who is aggrieved that application for impleadment is brought at the fag end of the trial under Order 1 Rule 10 CPC. The suit is at the instance of person claiming to be daughter of Hazara Singh and against the grand son of Hazara Singh through the pre-deceased son and the brother of Hazara Singh. The defendants plead their entitlement to the property under a Will. The plaintiff has challenged the Will and sought for her share in the property as heir at law of the father. At the end of the trial, the plaintiff has moved an application for impleadment of a person who is an alienee from the defendants. The alienation has taken place admittedly within a period of 12 years. The impleadment is ordered on a plea that the previous counsel who was engaged had not taken appropriate care and he had not protected the interest of the plaintiff and ought to have taken the notice of the defence and impleaded the

person who was a necessary party in the suit. The subsequent alienee from the defendant is surely a necessary party to get a binding declaration in relation to the entire estate of the deceased father and therefore, if there was a case made by the plaintiff that the previous counsel had not properly adverted to the imperatives of such impleadment and the Court has in its discretion allowed for such an exercise, I will not find any error for interference.

2. The revision petition is dismissed.

(K. KANNAN)
JUDGE

January 28, 2016
Pankaj*