

Civil Revision No.5400-2014

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

Civil Revision No.5400-2014

Date of Decision: 28.01.2016

Jagir Kaur

... Petitioner (s)

Versus

Gurnam Kaur and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the 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 ?

Present: Mr. Saravpreet Gurna, Advocate,
for the petitioner.

Mr. N.P.S.Mann, Advocate,
for respondent No.5.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant civil revision has been filed under Article 227 of the Constitution of India for setting aside the order dated 16.04.2014 passed by learned Civil Judge (Jr. Divn.), Rajpura whereby application filed by respondent No.5 under Order 1 Rule 10 CPC for impleading him as plaintiff No.2 has been allowed.

I have heard learned counsel for the parties and perused the record.

Perusal of file reveals that it is not clarified as to whether

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respondent No.5 has been ordered to be impleaded as plaintiff or defendant, rather in view of the specific prayer made by respondent No.5 in the application as plaintiff No.2, the trial Court has impliedly impleaded him as plaintiff No.2 in the suit. With a purpose to seek clarification, the present revision has been filed and the impugned order has been challenged on the ground that respondent No.5 cannot be impleaded as a party. The petitioner has claimed ½ share in the property in question being the daughter of Chanan Singh. However, respondent No.5 claiming himself as son of Chanan Singh moved application for impleading as party on the ground that he has great interest over the suit property and the petitioner and respondent Nos.1 to 4 herein in collusion with each other have purposely not included him as party with a view to deprive him of his legal rights. The application under Order 1 Rule 10 CPC has been decided in summary manner. Respondent No.5 is required to prove his case as to whether he is son of Chanan Singh which can be done by filing a civil suit or raising a counter-claim.

In view of above discussion, the impugned order dated 16.04.2014 is modified to the extent that respondent No.5 shall be impleaded as defendant and he will be at liberty to raise all the pleas in accordance with law.

Disposed of in the aforementioned terms.

28.01.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge