

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

**Civil Revision No.6085 of 2013
Date of decision : 23.04.2016**

Mahender Singh

.....Petitioner

Versus

Anju Devi and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

- 1. Whether Reporters of the local papers may be allowed to see the judgment ? Yes*
- 2. To be referred to the Reporters or not ? Yes*
- 3. Whether the judgment should be reported in the Digest? Yes*

Present: Mr. Naresh Kumar, Advocate for
Mr. R.D. Yadav, Advocate for petitioner.

DARSHAN SINGH, J.

The present revision petition has been preferred against the order dated 14.08.2013 passed by the learned Civil Judge (Junior Division), Rewari, whereby the application moved by respondents No.1 & 2 under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter called the 'CPC') for impleading them as party to the suit has been allowed.

2. Learned counsel for the petitioner-plaintiff contended that respondents No.1 & 2 were neither the necessary party to the suit nor any relief was claimed against them by the petitioner. They were not even

proper party to the suit. They were also not the co-sharer in the land in question. The petitioner-plaintiff has purchased the suit land vide separate sale deed, so the presence of respondents No.1 & 2 was not required at all. Thus, he contended that the impugned order is illegal.

3. I have duly considered the aforesaid contentions.

4. As per the provisions of Order 1 Rule 10 CPC, a person who is a necessary or proper party to the suit can be impleaded as party to the suit. A proper party is the person whose presence would enable the Court to completely, effectively and properly adjudicate upon all the matters and issues, though he may not be a person in favour of or against whom a decree is to be made. To support this view reference can be made to case ***Thomson Press (India) Ltd. Vs. Nanak Builders & Investors P. Ltd.and others 2013(2) RCR (Civil) 875.***

5. In the instant case, the petitioner-plaintiff has filed the suit for permanent injunction and mandatory injunction claiming himself to be a co-sharer in the suit property on the basis of purchase along with Nawal Singh, Vashashi, Pawan Kumar Sharma and Satbir Singh. As per the averments in the application, said Satbir Singh has sold his share to Manju Bala wife of Devender Kumar and Geeta wife of Harpal. Geeta has further sold her share to applicant-respondent No.2 Smt. Ram Kalan and Manju Bala has sold her share to applicant-respondent No.1 Anju Devi. In this manner, the applicants-respondents No.1 & 2 claim that they have become the co-sharer in the suit land and their presence was required as their rights are likely to be affected and their presence will

certainly enable the Court to completely and effectively adjudicate upon and settle all the questions involved in the suit. Thus, the discretion exercised by the learned trial Court does not call for any interference by this Court.

6. Consequently, the present revision petition is without any merits and the same is hereby dismissed.

23.04.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**