

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7163-2015

Decided on: 23.08.2016

Paramjit Singh

.... Petitioner

Versus

Harbans Singh and others

..... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. S.K. Arora, Advocate,
for the petitioner.

Mr. A.S. Saini, Advocate,
for respondent No.1.

Rekha Mittal, J. (Oral)

The present petition has been directed against the order dated 19.08.2015 (Annexure P-1) passed by the Additional Civil Judge (Sr. Divn.), Ropar, whereby, application filed by the petitioner under order 1 Rule 10 of CPC for impleading him as a defendant in the suit titled ***“Harbans Singh vs. Hardev Singh and others”*** has been dismissed.

Harbans Singh (respondent No.1) has filed a suit for declaration that he and defendants No.1 to 3 are the owners in joint possession of the property, detailed in head note of the plaint and mutation No.4464 dated 28.04.2005 of inheritance in favour of defendant No.1 on the basis of Will dated 03.09.1996 purported to be executed by late Shri Mangal Singh, is illegal, null and void and has no effect on the rights, title and interest of the plaintiff in the suit land.

Counsel for the petitioner has submitted that Hardev Singh, s/o

of the petitioner in respect of the land, subject matter of suit for possession by way of specific performance of the agreement to sell titled Paramjit Singh vs. Hardev Singh, therefore, the petitioner being directly interested in the lis is required to be impleaded as a party.

Counsel for respondent No.1, on the contrary, has supported the impugned order with the submissions that as the respondent No.1 has not claimed any relief against the petitioner, nor the petitioner claims any right qua inheritance to the estate of deceased Mangal Singh, he is neither necessary nor a proper party for complete and effective adjudication of the matter in controversy involved in the suit titled ***“Harbans Singh vs. Hardev Singh and others”***. It is further submitted that in case, the petitioner is permitted to be impleaded as a party, it would amount to introducing a new and alien subject matter with regard to his right under the agreement that has nothing to do with the contesting claims of legal heirs of Shri Mangal Singh in the property left behind by him.

I have heard counsel for the petitioner, perused the paper book particularly the order impugned.

Indisputably, the petitioner does not claim any right in the property left behind by Shri Mangal Singh either on the basis of natural or testamentary succession. The mere fact that the petitioner has propounded an agreement to sell purported to be executed by Hardev Singh, defendant No .1 in the suit filed by Harbans Singh is not sufficient to accept his plea that he is a proper much less a necessary party in the suit involving dispute qua inheritance to the estate of deceased Mangal Singh.

In this view of the matter, I do not find any error in the impugned order warranting interference.

Dismissed.

23.08.2016
Dinesh

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No