

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

-.-

CR 7552 of 2016  
Date of decision: 10.11.2016

*Harjinder Singh*

*..... Petitioner*

*Versus*

*Satwinder Singh and others*

*..... Respondents*

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

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Present: Mr. Sanjay Jain, Advocate  
for the petitioner

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**Rekha Mittal, J.** (Oral)

The present petition has been directed against order dated 12.10.2016 (Annexure P1) passed by the Civil Judge (Junior Division), Ambala whereby application filed by the petitioner under Order 1 Rule 10 of Code of Civil Procedure for being impleaded as a party has been dismissed.

Counsel for the petitioner has submitted that Ishar Singh erstwhile owner of the suit land left behind five sons, one daughter namely Surinder Kaur and widow Bachan Kaur being Class I heirs. The estate left behind by Ishar Singh was inherited by his Class-I heirs to the extent of 1/7<sup>th</sup> share each on the basis of natural succession. It is further submitted that Surinder Kaur purportedly executed released deed No.1931 dated 13.06.2012 in favour of Bhag Singh defendant No. 1 in the suit. Another release deed was executed by Surinder Kaur in favour of the present petitioner on 16.01.2001. It is argued that in the present suit filed by

Satwinder Singh and Kaptaan Singh grand sons of Ishar Singh, release deed dated 13.06.2012 executed by Surinder Kaur in favour of Bhag Singh is sought to be challenged on the ground that land left behind by Ishar Singh was joint Hindu Family property, therefore, Surinder Kaur was not entitled to have any share in the said land. Further submitted that in case any such finding is recorded in the present proceedings, the same would cause prejudice to the petitioner in regard to release deed dated 16.01.2001 executed by Surinder Kaur in his favour.

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

Counsel for the petitioner has fairly informed that the present petitioner is not a beneficiary under release deed No. 1931 dated 13.06.2012 sought to be challenged by Satwinder Singh and another. As per the settled position in law, any finding recorded in the present suit in which the petitioner is not a party nor he is claiming any right through the defendants in the suit land can be said to be binding against him. That being so, the petitioner can neither claim to be a proper much less a necessary party for complete and effective adjudication of the matter in controversy.

In view what has been discussed hereinabove, finding no merit, the petition fails and is accordingly dismissed.

(Rekha Mittal)  
Judge

10.11.2016  
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Whether speaking/reasoned: Yes/No  
Whether reportable : Yes/No