

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

238

CR No.1446 of 2017 (O&M)
Date of decision: 06.12.2017

Sahiba Devi

..... Petitioner

Versus

Jai Chand and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Amit Goyal, Advocate
for the petitioner.

Mr. P.S. Jammu, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

Petitioner was an applicant before the trial Court in an application under Order 1 Rule 10 for being added as a party on the ground that during the pendency of the suit, she has purchased the share of the property owned by defendants No.4 and 5.

The suit is for partition of the property by meets and bounds. Learned trial Court dismissed the application on the ground that the date on which the property was purchased has not been disclosed.

In this Court, the petitioner has placed on file a copy of the registered sale deed dated 12.02.2009.

Taking into consideration that the suit is for partition and the applicant having purchased a part of the property is going to be affected by the decree of the Court. Therefore, in the considered opinion of this

Court that the applicant-petitioner is a necessary party. In a suit for partition, the applicant would be entitled to some share. She has a right to join the proceedings from the current stage.

In view thereof, the applicant-petitioner is added as a party. However, taking into consideration that the application for final partition is pending after preparation of the preliminary decree, the Court would try to expeditiously dispose of the suit preferably within a period of six months from today.

Revision petition is allowed.

06.12.2017

Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No