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

**Civil Revision No.1493 of 2017 (O&M)
Date of Decision: 14.12.2017**

HARJIT KAUR

.....Petitioner

Vs

JASVIR KAUR

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. P.S. Punia, Advocate
for the petitioner.

Mr. N.S. Dadwal, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has preferred this revision petition against the order dated 15.11.2016 passed by the Additional Civil Judge (Sr. Divn.) Jagraon vide which applications under Order 1 Rule 10 CPC and under Order 6 Rule 17 CPC for impleading Stallin Preet Singh were dismissed.

[2]. Brief facts are that the plaintiff/petitioner filed a suit for declaration to the effect that the plaintiff is class-I legal heir of her husband namely Onkar Singh (deceased) and is entitled to inherit the entire share left behind by Onkar Singh including family pension. Plaintiff further alleged that defendant No.2 i.e. alleged widow of Onkar Singh has no right in respect of the property and the plaintiff alone is entitled to inherit the estate of

Onkar Singh (deceased) being legally wedded wife and class-I legal heir.

[3]. Both parties have completed their respective evidence. Plaintiff/petitioner filed the application under Order 1 Rule 10 CPC on the premise that the defendant/respondent had exchanged certain portion of land with Stallin Preet Singh. Mutation No.8125 was also sanctioned in favour of aforesaid Stallin Preet Singh in respect of land so exchanged. The application was dismissed by the Additional Civil Judge (Sr. Divn.) Jagraon. Since the application under Order 1 Rule 10 CPC was dismissed, therefore, the application under Order 6 Rule 17 CPC was ordered to be dismissed as having become infructuous.

[4]. On 02.03.2017, following order was passed at the time of issuance of notice of motion:-

“The suit property, which is subject matter of the suit for declaration and permanent injunction filed by the petitioner, is stated to have been exchanged by the respondent during the pendency of the suit with one Stallin Preet Singh. The case is at the stage of evidence of the respondent-defendant. Learned counsel for the petitioner confines his prayer for impleading Stallin Preet Singh only with whom the respondent has exchanged the suit land during the pendency of the suit.

Notice of motion for 30.3.2017.

To be shown in urgent list.”

[5]. Today learned counsel for the petitioner reiterated the plea that the petitioner confines his prayer for impleading Stallin Preet Singh only with whom the respondent had exchanged the land. The petitioner does not wish to lead any evidence except to bring on record the amended memorandum of parties.

[6]. Learned counsel on the other hand, submitted that the land was exchanged even prior to filing of the suit and the mutation was also sanctioned in the year 2014.

[7]. I have heard the submissions made by learned counsel for the parties.

[8]. Be that as it may, I deem it appropriate to allow impleadment of Stallin Preet Singh in order to avoid any future complication. Consequently, impugned order dated 15.11.2016 passed by the Additional Civil Judge (Sr. Divn.) Jagraon is set aside and this revision petition is allowed only to the extent of impleading Stallin Preet Singh without giving any right to the parties as well as to Stallin Preet Singh to lead any evidence as the case before the trial Court is fixed for final arguments.

December 14, 2017

Atik

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No