

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

128

CR No.3799 of 2017
Date of decision :27.10.2017

Virender Singh

...Petitioner

Versus

Bimla Devi and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Umesh Kumar Kanwar, Advocate
for the petitioner.

Mr. Aman Dhir, Advocate
for respondent Nos.1 to 3.

ANIL KSHETARPAL, J. (Oral)

Petitioner-applicant had filed an application under Order 1 Rule 10 CPC.

Plaintiffs had filed a suit challenging sale deeds executed by the petitioner (who is husband of plaintiff No.1 and father of remaining plaintiffs). During the pendency of the suit, petitioner-applicant filed an application for being impleaded as a party. The application has been dismissed by the Court vide order dated 24.03.2017.

I have heard learned counsel for the parties at length and with their able assistance gone through the documents available in the paper book.

Learned counsel for the respondents-plaintiffs has asserted that the petitioner-applicant is a person of unsound mind and in the proceedings under the Mental Health Act, 1987, some orders have been passed against the petitioner. Be as it may, as per Order 32 of the Code of Civil Procedure,

if a person is of unsound mind, he is to be added as a party in accordance with the procedure laid down therein.

It is the allegation in the plaint itself that the petitioner-applicant has executed sale deeds, which have been challenged by the plaintiffs. Unless petitioner husband, who is the vendor in the sale deeds is made party, the suit itself is not maintainable.

Taking into consideration the aforesaid facts, the order passed by the learned trial Court is set aside.

Revision Petition is allowed.

Petitioner-applicant-Virender Singh is added as defendant. Parties would be free to file appropriate application before the learned trial Court for proving that the petitioner is a person of unsound mind and the Court would deal with the aforesaid situation in accordance with Order 32 CPC.

27.10.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes
Whether Reportable : No