

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

CR No.740 of 2016 (O&M)
Date of decision : 18.08.2017

Sanjay

...Petitioner

Versus

Surjit and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parveen Hans, Advocate for the petitioner.

Mr. Amit Kashyap, Advocate for respondent No.1.

Mr. Pritam Singh Saini, Advocate for respondent No.2.

Mr. Ankit Rana, Advocate for respondent No.4.

ANIL KSHETARPAL, J. (ORAL)

Sanjay has filed this revision petition against the order dated 23.11.2015 passed by the trial Court.

Application filed by Sanjay under Order 1 Rule 10 CPC for being added as defendant was dismissed by the trial Court.

Surjit son of Anoop Singh filed a suit for declaration that the plaintiff is owner in possession of 1/12th share. The plaintiff also challenged the Will dated 12.02.2004 and mutation dated 14.08.2004 sanctioned in favour of defendant No.1. Parties led their evidence and when the case was at the stage of arguments, Sanjay-applicant filed an application for being added as party defendant. Application has been dismissed by the Court after

assigning cogent reasons. It has been noticed that Sanjay claims to be the nephew of Surjit-plaintiff. Surjit has not contested the present application. Primarily, the suit is challenging the Will dated 12.02.2004. If the Court ultimately finds that there is a valid Will, claim of Surjit as well as Sanjay would not survive whereas on the other hand if the Will dated 12.02.2004 is held to be invalid and not binding, the property would naturally go to the heirs whosoever are there. Therefore, the plaintiff has no direct interest in the suit. The petitioner-plaintiff is not a necessary party.

Finding no merit in the present revision petition, the same is dismissed.

Any pending miscellaneous application is disposed of, in view of the abovesaid judgment.

18.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No