

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

CR No. 7613 of 2017(O&M)

Date of decision: 14.12.2017

Poonam and others

.....Petitioners

VERSUS

Shish Ram and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ish Puneet Singh, Advocate for the petitioners.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against order dated 25.09.2017 (Annexure P-1) passed by the Civil Judge (Junior Division), Faridabad whereby application under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (in short 'CPC') filed by the petitioners for their impleadment on the array of defendants has been dismissed.

Counsel for the petitioners has submitted that initially the suit land was owned by Sukhdev and on his death, it was inherited by Jai Kishan son of Sukhdev and sisters of Jai Kishan namely Sukho and Rewati @ Bot to the extent of 1/3rd share each. The share of Sukho was inherited by Imrat and others, detailed in para 3 of the application. The petitioners are the successors in interest of Imrat and others, therefore, entitled to 1/3rd share of suit land. It is argued with vehemence that as the respondents/plaintiffs have claimed half share of the suit land on the basis of sale deed dated 13.06.1962 purported to be executed by Jai Kishan, the petitioners being the co-owners to the extent of 1/3rd share are entitled to be impleaded as parties to protect their interest in the lis.

I have heard counsel for the petitioners, perused the paper-book particularly the order impugned.

As per the settled position in law, sale by a person more than his share cannot bestow any better right on his vendee. Equally settled is that judgment in personam is binding only qua the parties to the lis. The trial Court has rightly held that in order to succeed in the suit by Shish Ram and others, they have to establish on record that Jai Kishan was entitled to half share in the land previously owned by Sukhdev. The case is now pending for evidence of the defendants. The presence of petitioners cannot be said to be necessary for complete and effective adjudication of the matter in controversy between the plaintiffs and defendants already before the Court. That being so, I do not find any reason to intervene in the order impugned in exercise of supervisory jurisdiction of this Court. However, the petitioners may take recourse to appropriate remedy in accordance with law by filing an independent suit if legally permitted to seek redressal of their grievance with regard to the sale in question.

Disposed of accordingly.

DECEMBER 14, 2017

‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no