

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 277

Civil Revision No.8636 of 2014 (O & M)
Date of Decision: April 19, 2017

Resham Singh

..... PETITIONER

VERSUS

Shabegh Singh & others

..... RESPONDENTS

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

. . .

PRESENT: - Mr. B.S. Bedi, Advocate, for the petitioner.

Mr. Naveen Chopra, Advocate, for respondent Nos.2
to 5.

Mr. G.S. Bajwa, Advocate, for Mr. R.K. Vashishth,
Advocate, for respondent No.10.

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Jaspal Singh, J

1. Challenge in this revision petition preferred under Article 227 of the Constitution of India is to order dated May 28, 2014 whereby an application filed by applicants Palwinder Singh & others under Order I Rule 10 CPC for their impleadment as defendant Nos.4 to 6 has been allowed and to the order dated November 28, 2014 whereby review application of the present petitioner – defendant No.1 against order dated May 28, 2014 has been dismissed.

2. While assailing the impugned orders, it has been submitted by learned counsel for the petitioner that the same are absolutely against the evidence as well as settled proposition of law. The trial court has ignored the material aspect of the case that present suit pertains to the alleged claim of plaintiffs challenging the sale deeds in favour of the petitioner on the ground of impugning the validity of the General Power of Attorney. The matter in issue in the present case pertains to the controversy whether the sale deeds in favour of the petitioner are illegal, null and void, as alleged by the plaintiffs, the onus of which is on the plaintiffs to prove and by virtue of this suit, the alleged claim of the plaintiffs is to be determined against the rights of the petitioner having been owner of the suit property by virtue of sale deeds. No other issue is involved in the present suit except that sale deeds are legal, valid and genuine. Meaning thereby, no right or claim or issue involving the alleged claim or right of the applicants is involved in the present case nor any such right is to be determined nor can the same be determined even after impleadment of the applicants as defendants. Moreover, the applicants cannot be allowed to be put up their claim by virtue of written statement as nothing has been asserted by the plaintiffs against them. No relief has also been sought qua the applicants in the suit. Since the applicants are neither proper nor necessary parties for the effective and judicious adjudication of the matter in controversy, their impleadment is not legally and factually justified. Rather, it will complicate the matter. For this simple reason, both the impugned orders are liable to be set aside.

3. This Court has given a deep thought to the aforesaid submissions made by learned counsel for the petitioner but find the same to be without any legal weight.

4. Palwinder Singh and others, respondent Nos.8 to 10, have purchased land measuring 12 kanal 1 marla from Piara Singh, out of total land measuring 161 kanal 1 marla for a value consideration by dint of three sale deeds bearing vasika Nos.698/1, 699/1 and 700/1 through his General Power of Attorney, Mukhtiar Singh. Possession of the land, which is subject matter of the aforesaid sale deeds, was also delivered at the time of execution and registration of the sale deeds. Since the property which was once owned by Piara Singh is involved in the suit, in the absence of Palwinder Singh and others, respondent Nos.8 to 10, the controversy cannot be effectively adjudicated upon. They being the purchaser of some portion of the suit property are not only proper parties, but necessary parties to the present suit. Respondent Nos.8 to 10 cannot be said to be strangers to the controversy who have otherwise got a right & interest in the property in suit to some extent on the basis of above referred three sale deeds. No doubt, plaintiffs are a *domonus litus* but a person who is necessary or proper party can be permitted to be impleaded as a party to the suit to defend its interest. As has been discussed above, in the present case, it is the specific stand of respondent Nos.8 to 10 that they have acquired interest in the property on the basis of three sale deeds executed by Mukhtiar Singh, General Power of Attorney of Piara Singh and further that, possession of the land, which is subject matter of the sale deeds,

has already been delivered to them. Thus, it can be said that in order to provide effective relief to the plaintiff and for avoiding multiplicity of litigation i.e. for shortening the litigation, the trial court has rightly allowed the application vide impugned order dated May 28, 2014. Similarly, review application has also been rightly dismissed by it.

5. In the light of what has been discussed above, this Court does not find any infirmity, illegality or impropriety in the impugned orders and the instant petition being devoid of merit stands dismissed.

April 19, 2017
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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:

Yes/ No

Whether Reportable:

Yes/ No