

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

**RSA No.3982 of 2008 (O&M)
Date of decision : 09.08.2017**

Rajdeep Singh and another

..... Appellants

Vs.

Bhushan Raj Singh and others

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Mr. S.S.Rangi, Advocate
for the appellants.

Mr. Ramesh Sharma, Advocate
for respondent No.2.

AJAY TEWARI, J.(ORAL)

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit of the appellants.

The case of the appellants was that the land in dispute had been declared to be Jumla Mustarkan Malkan during consolidation and it was specifically noted that it would be transferred to the proprietors but somehow the entries in the revenue record were not changed and consequently they sought a declaration that they were owners of 31 kanals and 6 marlas. The lower Appellate Court held (apart from other things) that once it was the case of the appellants themselves that the land was the joint property of the proprietors then, to seek a declaration that they were owners of any specific part thereof, it was necessary that the other proprietors be also impleaded as defendants.

In my opinion, this is the correct position. Before giving any declaration with regard to any joint land all the joint owners have to be heard and consequently on this score alone the suit of the appellants was not maintainable.

In the circumstances, the appeal has to be dismissed on the ground that the necessary parties were not before the Court. Ordered accordingly.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

09.08.2017
pooja sharma-I

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No