

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3731 of 2018
Date of Decision: 26.07.2018

Jasbir Singh
Vs

.....Petitioner

Sukhwant Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aman Kashyap, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

[1]. This revision petition has been filed by the petitioner against the order dated 24.05.2018 passed by Civil Judge (Junior Division), Chandigarh vide which application filed by the petitioner for amendment of the written statement was dismissed.

[2]. Petitioner sought to introduce the cause of action relatable to the grievance of his sister Karamjit Kaur who had allegedly sold her share in the suit property in favour of the respondent. Karamjit Kaur filed an application under Order 1 Rule 10 CPC for being impleaded as defendant in the suit on the ground that the sale deed allegedly executed by her was *sham* transaction. There was no passing of consideration and

the sale deed was an act of fraud.

[3]. Trial Court vide order dated 17.05.2018 dismissed the said application on the ground that apparently sale deed was executed by general power of attorney of the vendor and the attorney was not denied. For the reasons mentioned in the order dated 17.05.2018, prayer of Karamjit Kaur for being impleaded as defendant in the suit was rejected.

[4]. It has been informed that CR No.3741 of 2018 is pending in the High Court. Scope of this revision petition cannot be enlarged beyond the entitlement of Karamjit Kaur in the pending revision petition. Even if, Karamjit Kaur is allowed to be impleaded as party defendant in the suit (subject to lawful order), she would file her independent written statement, covering the proposed amendment. In the order dated 17.05.2018, it has also been recorded that on earlier occasion, an application under Order 1 Rule 10 CPC was also filed by mother of the petitioner and the same was dismissed. While parting with the impugned order, trial Court has observed that this is an another attempt to stall the proceedings. The proposed amendment is unnecessary and has no relevancy with the issue involved herein. Trial Court directed the defendant to argue the matter positively on 25.05.2018, otherwise the matter will be decided without his assistance in the Court.

[5]. In my considered opinion, the petitioner cannot espouse the cause of action which is available to his sister Karamjit Kaur in a pending litigation i.e. CR No.3741 of 2018. In case the aforesaid revision petition is accepted, she would be having independent right to contest the suit by filing her separate written statement. In such an eventuality, the petitioner cannot have any grievance.

[6]. For the reasons recorded in the impugned order, I find that there is no error of jurisdiction apparent on the face of the impugned order. The order passed by the trial Court is perfectly justified. The present revision petition is accordingly dismissed.

July 26, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No