

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

CR No.57 of 2018
Date of decision : 24.05.2018

Jagjit Singh Gill and another

...Petitioners

Versus

Tarsem Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pankaj Bhardwaj, Advocate for the petitioners.

Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Gagandeep Singh, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs-petitioners are in the revision petition against the order passed by the trial Court, dismissing the application under Order 1 Rule 10 CPC filed after a period of 6 years from the date of institution of the suit.

The Court has found that the application has been filed to implead other sons and daughters of Tara Singh, whereas the dispute in the present case is between the family members of Tarsem Singh son of Tara Singh.

Learned counsel for the petitioners has made a sincere attempt to persuade this Court to interfere in the order passed. He submitted that in the plaint, the plaintiffs have asserted that the property is a Joint Hindu

Coparcenary Property and, therefore, all the coparceners are necessary party, however, on careful examination of the plaint, it is proved that primarily the plaintiffs are claiming the relief against their own family members. Still further, the persons sought to be impleaded are not necessary and proper party in the present litigation.

In view thereof, there is no scope for interference with the order passed by the trial Court, dismissing the application under Order 1 Rule 10 CPC filed after a period of 6 years from the date of institution of the suit.

Revision petition is dismissed.

24.05.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No