

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 6734 of 2015

Date of decision: 18.04.2018

Gurdev Kaur

...Petitioner

V/s.

Sandeep Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH.

Present: Mr. Inderjeet Singh, Advocate for the petitioner.

Mr. J.S. Chahal, Advocate for the respondent.

KULDIP SINGH, J. (Oral)

The impugned in the present revision is the order dated 26.08.2015 (Annexure P-10) passed by learned Civil Judge (JD), Sub Division Bilaspur, District Yamuna Nagar vide which an application filed under Order 1 Rule (2), (4) read with Order 6 Rule 17 C.P.C. for impleading Babu Ram as defendant No. 2 was dismissed.

I have heard learned counsel for the parties and perused the file carefully. It comes out that the plaintiff has filed a suit for symbolic possession by way of specific performance of the agreement regarding the disputed property. The plea of the defendant is that Babu Ram, the father of the defendant, is the owner of the said property. The Trial Court has taken a view that since Babu Ram is not a party to the agreement, therefore, he is neither necessary nor a proper party. I am of the view that the Trial Court erred in dismissing such application. Babu Ram is claimed to be owner of the property which is the subject matter of the dispute. Sandeep Kumar son of Babu Ram had allegedly executed an agreement in favour of the plaintiff.

Therefore, Babu Ram is a necessary and proper party for deciding the fate of the disputed property. As such impugned order is set aside. The application to implead Babu Ram as defendant No. 2 and necessary consequential amendment is allowed.

Civil revision is allowed.

(KULDIP SINGH)
JUDGE

18.04.2018

Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No