

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

130

CR No.6673 of 2017 (O&M)

Date of decision: 06.03.2018

Sohan Lal

..... Petitioner

Versus

Rakesh Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. G.S. Sidhu, Advocate, for
Mr. Parvez Chugh, Advocate
for the petitioner.

Mr. Harmanpreet Singh Sehgal, Advocate
for respondents No.3, 4 and 8.

Mr. Rajan Bansal, Advocate
for respondents No.11 to 13.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff-petitioner is in revision petition against the order dated 05.09.2017 dismissing the application to implead parties i.e. Navpeet Singh and Jaswinder Singh sons of Gurbaskh Singh. The plaintiff has filed a suit for possession by way of partition. The defendants while filing the written statement had objected to the maintainability of the suit on the ground that all the co-sharers/co-owners have not been impleaded as party.

It is not disputed before this Court that Navpeet Singh and Jaswinder Singh are recorded as co-owners/co-sharers in the joint Khewat. Learned counsel for the respondents has submitted that the application was filed after a delay of almost two years. He submitted that the application cannot be allowed at this stage.

Taking into consideration the fact that the suit is for possession by way of partition and all the co-owners/co-sharers are necessary party, therefore, the order passed by the learned trial Court dismissing the application for impleading the co-owners/co-sharers as party defendants is erroneous. It is not disputed that the defendants while filing the written statement had themselves objected to the maintainability of the suit on the ground that the plaintiff has failed to implead necessary parties i.e. all the co-owners in the joint khewat.

In view of the discussion made above, the order under challenge is set aside. Plaintiff-petitioner is permitted to implead Navpeet Singh and Jaswinder Singh as defendants No.15 and 16, subject to the payment of cost of Rs.2,000/-. The trial Court would proceed with the suit.

Revision petition is allowed.

06.03.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No