

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 202

CR-7401-2016 (O&M)

Date of decision : 14.08.2018

Gurbax Singh

..... Petitioner

VERSUS

Narinder Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. M. S. Dhami Advocate, for the petitioner.

Mr. Ashok Aggarwal, Advocate, for respondent No. 1.

Mr. Sushil Saini, Advocate, for respondent No. 2.

DEEPAK SIBAL, J. (ORAL)

Through the present petition, challenge is made to the order dated 18.08.2016, passed by the Civil Judge (Junior Division), Dasuya (for short, the Trial Court) through which the application filed by the petitioner under Order 1 Rule 10 CPC has been dismissed.

The facts in brief are that the petitioner filed an application under Order 1 Rule 10 CPC before the Trial Court seeking to implead Sital Kaur and Jasvir Kaur as defendants on the ground that during the pendency of the suit respondent No. 1 had sold to them portions of the suit property. The Trial Court rejected the aforesaid application primarily on the ground that the sale deeds on which the petitioner was seeking to implead the aforesaid ladies had neither been placed on the record of the Trial Court nor any copies of the same had been supplied to the other side.

Learned counsel for the petitioner submits that the findings returned by the Trial Court that the sale deeds on the basis of which the petitioner sought the impleadment of Sital Kaur and Jasvir Kaur had not

been attached with the application as also that the copies of the same had not been given to the opposite side, were against the record as the petitioner had duly placed on record the sale deeds as also had supplied copies of the same to the counsel opposite.

Learned counsel appearing on behalf of the respondents disputed the above statement made by learned counsel for the petitioner.

Be that as it may, whether the sale deeds were filed on the record of the Trial Court or not could be best settled by the Trial Court itself. Therefore, the petitioner is relegated to the Trial Court to seek review of the order impugned before this Court.

If any review application is filed by the petitioner, the Trial Court is requested to expeditiously dispose of the same in accordance with law.

14.08.2018
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[DEEPAK SIBAL]
JUDGE

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