

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

**CR No.7649 of 2016 (O&M)
Date of Decision:22.05.2018**

Hardesh Kumar Thapar

...Petitioner

Versus

Suhagwati and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms.Sarika Gupta, Advocate for the petitioner.
Mr.Sarju Puri, Advocate for respondents No.1 to 6.

ANIL KSHETARPAL, J. (ORAL)

The defendant-petitioner is in the revision petition against the order passed by the learned trial Court, allowing an application under Order 1 Rule 10 read with Order 6 Rule 17 of the Code of Civil Procedure.

It has been alleged that on account of subsequent event the possession of the property was taken and now the plaintiffs want to amend the suit and seek a relief of partition of the property. By way of addition, mother of defendant No.1, who is owner of the adjoining property, is sought to be impleaded. It is specifically pleaded in the application that after taking possession, intervening wall has been removed and both the properties have been merged. In reply to the application, although, it is disputed that possession of the property has not been taken from the plaintiff, however, this fact is admitted that intervening wall has been removed and both the properties have been merged.

Keeping in view these facts, the court below has allowed the application for adjudicating the dispute. The court has

found that mother of the defendant is a necessary party because she is claimed to be owner of the adjoining property.

This Court has heard the learned counsel for the parties at length.

In the considered opinion of this Court, by impleadment and by adding the relief of partition, no prejudice would be caused to the defendant-petitioner. Accordingly, the revision petition is dismissed.

22.05.2018
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No