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

**CR No.7915 of 2016
Date of Decision: 14.05.2018**

Vijay Kumar and others

.....Petitioners

Vs

Surinder Kumar and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Mayank Dev Singh, Advocate for
Mr. R.K. Bansal, Advocate
for the petitioners.

Mr. Nitin Bansal, Advocate
for respondent No.1.

Mr. Rakesh Gupta, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. 138 kanals, 12 marlas of land was jointly owned and possessed by three co-sharers namely Sohan Lal, Mohan Lal and Bhagwan Dass sons of Lachhman Dass. The mutation No.4096 of inheritance of Sohan Lal was sanctioned in favour of the petitioners.

[2]. Respondent No.1 Surinder Kumar is son of Bhagwan Dass. Respondent No.2 Amarjit claims himself to be adopted

son of Bhagwan Dass. Respondent No.2 got a decree in respect of land of Bhagwan Dass by way of civil suit and got himself declared as adopted son of Bhagwan Dass by impleading general public as party defendant. The said decree has been assailed by respondent No.1, claiming himself to be son of Bhagwan Dass. In the aforesaid pending litigation, petitioners seek to get themselves impleaded under Order 1 Rule 10 CPC.

[3]. Apparently, petitioners are the legal representatives of Sohan Lal who was owner to the extent of 1/3rd share in 138 kanals, 12 marlas. The *lis* between respondent No.1 Surinder Kumar and Amarjit is in the context of inheritance of Bhagwan Dass on the basis of natural succession or alleged adoption. In any case, in the aforesaid pending litigation, petitioners have nothing to say. The right of the petitioners in the joint property is confined to partition.

[4]. The *inter se* dispute between respondent No.1 and respondent No.2 viz-a-viz the property of Bhagwan Dass does not make the petitioners entitled for impleading, particularly when plaintiff Surinder Kumar being *dominus litis* does not want to contest with the petitioners, in the litigation with respondent No.2 Amarjit.

[5]. In view of above, this revision petition is found to be

totally devoid of merits and the same is accordingly dismissed.

May 14, 2018

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No