

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

CR No.243 of 2019 (O&M)
Date of decision : 16.01.2019

Jeet Singh and others

...Petitioners

Versus

Surjit Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.P.S. Ghuman, Advocate for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

No doubt, order passed by the learned Civil Judge (Junior Division) Nabha allowing the application filed under Order 1 Rule 10 of the Code of Civil Procedure (hereinafter to be referred to as “CPC”) is non-speaking, however, with the assistance of the learned counsel for the petitioners, this Court has gone through the application filed under Order 1 Rule 10 CPC and the reply filed thereto.

Plaintiff-Surjit Kaur had filed a suit for joint possession claiming that she is owner to the extent of 1/7th share in various khewats given in the headnote of the plaint. The headnote of the plaint is extracted as under:-

“Suit for joint possession that plaintiff is the owner to the extent of her share i.e. 1/7 share each in land represented by

Khewat No.53/54 Khatauni No.104, 105, 106 & 107 Khasra No.23//10 Min (4-0), 67(0-4), 95(2-0), 23//10 Min (4-0), 23//11/1 min (3-7), 23//8/1 min (2-0), 23//9/2 (5-16), 23//8/1 min (2-12) Total measuring 2 Kanal 12 marlas and Khatauni No.201, 202, 203, 204, 205, 206, 207, 208, 209 & 210 Khasra Nos.20//4/1 (3-4), 20//7/2 min (4-0), 20//24 min (1-4), 24//14/1 min (2-6), 30//19 min (1-13), 30//20 min (4-0), 21//16/2 (6-13), 21//22/3 (2-0), 21//23 min (7-10), 22//20/2 (1-17), 24//4/2 min (3-0), 29//2 min (3-4), 29//9 (8-0), 24//4/1 (0-5), 21//25 (5-0), 24//6/1 (4-0), 29//18/2 (3-7), 29//22 (1-15), 29//23 (4-13), 24//4/2 min (1-15), 21//22/1 (4-0), 24//7/1 (4-0), 21//23 min (0-10), 23//22/2 (0-19), 29//2 min (4-0), 29//7/2 (4-6), 29//3/1 (2-17), 29//8 (8-0), 29//12/2 (6-0), 29//13 (8-0), 29//14 (9-3), 29//18/1 (3-6), 31//1 (0-19), 32//5 (0-7), 29//12/1 (2-0), 21//22/2 (2-0), 20//24 min (5-0), 20//7/2 min (3-4), 20//13/1 (0-1), 20//14 (7-7), 20//15/1 (0-15), 20//17 (8-0), 20//18/2 (2-5), 21//24 (8-0), 24//7/2 (0-16), 24//24 min (3-0), 29//15 (6-4), 29//16 (8-0), 29//17 min (2-10), 30//19 min (1-13), 30//20 min (4-0), 30//10 (0-6), 30//11 (9-8), 20//18/1 (3-0), 20//13/2 (5-0) Total measuring 213 kanals 2 marlas situated at Village Hassanpur Tehsil Nabha Distt. Patiala as per jamabandi for the year 2008-2009. (Note: that the above noted Khasra No. were previously represented by Khewat No.70/71, Khatauni No.131 to 137 in the name of deceased Kesar Singh s/o Jawala as per jamabandi for the year 1978-79).

AND

Suit for permanent injunction restraining all the defendants from alienating, transferring, mortgaging, letting out or disposing off or creating any charge over the suit land more than their shares i.e. 1/7 share to any other person without partitioning the land as described in the head note of Column A to any other person in any manner whatsoever.”

When the case was at initial stage, she filed an application under Order 1 Rule 10 CPC praying that inadvertently three co-owners/co-sharers in the suit land have been inadvertently left from being impleaded as party defendant. Hence, application was filed. In the reply to the application, factum that person sought to be impleaded are co-sharers, was not disputed.

In such circumstances, this Court, although finds that the order is non-speaking but once the Court has examined the merits of the case, there is no justification to set aside the order only on technicalities. However, learned trial Court is directed to be careful in future.

In view of what has been observed above, the present revision petition is dismissed.

16.01.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No