

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

227

CR No. 6622 of 2017(O&M)

Date of Decision:October 15, 2019

Pal Singh

.....petitioner

versus

Gurnam Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Nand Lal Sammi, Advocate
for the petitioner.

Mr. Satinder Khanna Advocate
for respondents No.1 to 3.

Mr. Gurbir Singh Pannu, Advocate
for respondents No.4 to 7.

RAJ MOHAN SINGH, J. (Oral)

1. The instant Revision Petition has been filed for setting aside the impugned order dated 11.07.2017 passed by Civil Judge (Jr. Division), Ludhiana.

2. While issuing notice of motion on 28.11.2017, it was noticed by this Court that suit for specific performance filed by Gurnam Singh, Harnam Singh and Sham Singh on the basis of agreement to sell dated 24.11.1993 was decreed by the trial Court on 29.08.2011 but the same was reversed in appeal by the lower Appellate Court on 25.08.2014. Thereafter, suit for possession was filed by the plaintiff-petitioner against the aforesaid three persons only. Evidently as per pleadings in Para No.2 of the plaint, the plaintiff has relied upon factum of will executed by Hazara Singh in his favour to the exclusion of his sisters.

3. In the light of aforesaid pleadings, it cannot be appreciated that the sisters would be unnecessary parties in the present suit, leaving them to assail the Will in some independent suit. In the absence of Will, sisters would be necessary parties as their shares would be subject matter of consideration by the trial Court.

4. Without commending on the validity of the Will at this stage, I find that the indulgence granted by the trial Court in the context of impleading Surinder Kaur, Kuldeep Kaur, Gurdev Kaur

and Gurmail Kaur cannot be faulted with.

5. The Revision Petition is accordingly dismissed.

October 15, 2019
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[RAJ MOHAN SINGH]
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No