

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

**CR No. 754 of 2019
Date of Decision : 1.2.2019**

Jasbir Singh

.....Petitioner

v.

Charan Singh @ Gurcharan Singh (deceased) through LRs and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr. Deepk Girotra, Advocate, for the petitioner

Amol Rattan Singh, J. (Oral)

By this petition the petitioner challenges the order of the trial Court, i.e. the Civil Judge (Senior Division), SBS Nagar, dated 7.12.2018, by which the application of the petitioner filed under Order 1 Rule 10 CPC, seeking to implead one Surinder Kaur wife of Charan Singh as defendant no.4, has been dismissed.

The contention of the petitioner before the trial Court, as also of counsel for the petitioner before this Court, is that the stand of the respondent-defendants being that Surinder Kaur has actually purchased the suit property on 7.2.2001, i.e. about 13 years prior to the institution of this suit in the present *lis*, she is a necessary party to the suit and consequently the application should actually have been allowed.

While dismissing the application the learned trial Court has observed that in the plaint filed by the petitioner-plaintiff, the stand taken by him is that Surinder Kaur is not the owner of the suit property. Hence, the

application, filed at the absolute fag end of the trial (after defence witnesses have also been examined as not denied by learned counsel before this Court also), it could not be allowed.

Having considered the matter, it is to be noticed that if Surinder Kaur has indeed purchased the suit property on 7.2.2001, she may have been a necessary party, but with the suit itself having been instituted in the year 2014 and the petitioner not having so impleaded her at that stage, with his specific stand being that she is not the owner of the suit property, I cannot disagree with the reasoning given by the trial Court. In fact it would seem that the application filed at this stage of the trial, is only to delay proceedings.

Undoubtedly, if eventually the suit is even decreed in favour of the petitioner, obviously Surinder Kaur not being a party thereto, such decree would not be binding upon her; but that was an eventuality which the petitioner should have taken care of at the initial stage or soon thereafter. Therefore, impleading her at the fag end of the trial, thereby virutally re-opening it, is impermissible.

Consequently, I find no ground to interfere with the impugned order.

This petition is therefore dismissed *in limine*.

(AMOL RATTAN SINGH)
JUDGE

1.2.2019
Ashwani/dinesh

Speaking/Reasoned	Yes/No
Reportable	Yes/No