

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Civil Revision No.11719 of 2018 (O&M)  
Date of Decision: January 14, 2019

Kanwal Singh

...Petitioner

Versus

Om Parkash (since deceased) through L.Rs & another

...Respondents

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL**

Present: Mr. Kartar Singh Malik-I, Advocate,  
for the petitioner.

\*\*\*\*\*

**AMIT RAWAL, J. (Oral)**

The present revision is directed against the order dated 12.01.2016, whereby the application filed by the applicant for impleadment as a party on the ground that the nature of the property was ancestral, has been dismissed.

Mr. Kartar Singh Malik-I, learned counsel appearing on behalf of the petitioner submitted that the plaintiff was the brother of the vendor and, therefore, he could not have mentioned in the agreement to sell the subject matter of the pending suit filed by plaintiff for claiming specific performance of the agreement to sell, therefore, it would be necessary and essential to implead the petitioner as the decision of the suit would have an effect on his rights.

I have heard the learned counsel for the petitioner, appraised the paper book and of the view that there is no force and merit in the submissions, for, if a person has an interest in the property by virtue of some

testamentary documents, he would have a right in view of the law laid down by Hon'ble the Supreme Court in **Thomson Press India Ltd. Versus Nanak Builders & Investors (P) Ltd. & others**, 2013(5) SCC 397. In case, the applicant is insisting the nature of property to be ancestral, independent remedy lies to claim the same but not in the manner and mode as adopted. The parties are governed by the contract. Even the element of a collusion amongst the applicant and the defendant-vendor cannot be ruled out.

For the reasons stated above, no ground for interference in the impugned order is made out. The same cannot be said to be without jurisdiction. Resultantly, the revision petition is dismissed.

**January 14, 2019**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**

**Whether speaking/reasoned**  
**Whether Reportable:**

**Yes/No**  
**Yes/No**