

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

CR-2168-2020(O&M)

Date of decision: 18.12.2020

Sandeep Singh and another

.....Petitioners

Versus

Mandeep Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.S.K.Nehra, Advocate for the petitioners

Mr. Saurabh Bhatia, Advocate for
Mr. S.S.Rangi, Advocate for the respondent

ANIL KSHETARPAL, J. (ORAL)

Mandeep Singh-respondent herein has filed a suit for possession by way of specific performance of an agreement to sell allegedly executed by Kuldeep Singh who is the only defendant in the suit. During the pendency of suit, Sandeep Singh, Ajit Singh sons of Sh. Kuldeep Singh, filed an application for being impleaded as defendants on the ground that Kuldeep Singh is missing since 2017 and therefore, the suit is not being contested by anyone. The application filed has been dismissed by the Trial Court on the ground that the petitioners herein (Sandeep Singh and Ajit Singh) cannot be impleaded as party defendants as Kuldeep Singh has not been declared as civil dead.

After arguing at some length, learned counsel for the parties have arrived at a consensus. Learned counsel for the plaintiff-respondent states that he has no objection if the order under challenge is set aside and the petitioners are added as defendants in the pending suit

enabling them to defend the same.

Even otherwise the reasoning of the learned Trial Court is neither correct nor sound. It is a case where a civil suit qua immovable property has been filed. Kuldeep Singh is admittedly not defending the suit. The petitioners claim that their father – Kuldeep Singh is missing. In such a situation, the Court ought to have permitted the petitioners to be impleaded as party/defendants so that the suit is not decided ex parte. The petitioners are not strangers, they are sons of Kuldeep Singh-defendant.

Keeping in view the aforesaid facts, the order dated 24.1.2020 is set aside.

In view of the aforesaid, present revision petition is allowed.

18.12.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No