

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 2576 of 2020

Date of Decision: 02.12.2020

Bhupinderjeet Singh

... Petitioner(s)

Versus

Jaswinder Singh through LRs and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Amarpreet Singh, Advocate
for the petitioners.

Anil Kshetarpal, J.

The plaintiff/petitioner has filed revision petition under Article 227 of the Constitution of India impugning the order dated 26.02.2020, passed by the learned Civil Judge (Junior Division), Guru Harsahai, District Ferozepur, dismissing the application under Order 1 Rule 10 CPC read with Order 6 Rule 17 CPC.

The plaintiff had filed an application for impleading Boota Singh and Jagroop Singh sons of Sukhdev Singh and H.D.F.C. Bank as party-defendants. He had also prayed for amendment of the plaint so as to incorporate challenge to the sale deed as well as the mortgage deed executed. The civil court noticed that the plaintiff has filed a suit for declaration to the effect that he is entitled to declaration that he is owner of the property and the sale deed dated 03.02.1978 executed in favour of defendant No. 2 to 4 is illegal, null and void. He also sought relief of permanent injunction.

On completion of the pleadings, the case was fixed for evidence.

Thereafter, some evidence was recorded. At that stage, the plaintiff filed this application with the assertion that he has now come to know that the property in question has been transferred in favour of the persons sought to be impleaded in the year 1990, which was later on mortgaged on 05.06.2012.

It is not in dispute that in the revenue record, pursuant to the transfer in the year 1990, has been updated. The petitioner, while filing the petition, did not choose to implead the owners as party-defendants or assail the sale in their favour.

In these circumstances, this Court does not find it appropriate to interfere with the order passed by the learned trial Court. Hence, the revision petition is dismissed.

(Anil Kshetarpal)
Judge

December 02, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No