

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

210

CR-59-2021 (O&M)

Date of decision: 01.12.2021

PARDEEP SINGH

..Petitioner

Versus

MANMOHAN SINGH AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas M. Gupta, Advocate for the petitioner.
Mr. Ritesh Aggarwal, Advocate for respondent No.1 to 5.

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing
on account of restricted functioning of the Courts.

The petitioner's application for permission to implead his sisters
as party respondents in a pending appeal has been dismissed by the First
Appellate Court.

The petitioner had filed a suit for declaration to the effect that he
is joint owner of $\frac{1}{4}^{\text{th}}$ share of the land described in the caption of plaint. The
plaintiff claims that the aforesaid property is joint, ancestral and co-parcenary
in nature. He assails the correctness of the judgment and decree suffered by
his grandfather in favour of the defendants.

The learned trial Court dismissed the suit on various grounds
including the ground of non-impleadment of necessary parties. The sisters of
the petitioner filed an application before the Appellate Court with a prayer to
add them as party respondents which was dismissed on 05.11.2019. The

appeal is pending for the last more than 5½ years. At that stage, an application, filed by the petitioner, to implead his sisters as party respondent has been dismissed.

Learned counsel representing the petitioner contends that since the trial Court had dismissed the suit on the ground that he failed to implead his sisters, then, the First Appellate Court has erred in dismissing the application to rectify the same.

This Court has carefully read the judgment passed by the trial Court on 20.01.2016. The suit filed by the petitioner has been dismissed on various grounds. The finding with regard to non-joinder of party is only incidental in nature. Furthermore, the defendants objected the maintainability of the suit on the ground of non-impleadment of necessary/proper parties, at the very threshold. At that time, the petitioner claimed that his sisters are not necessary parties to the suit.

Keeping in view the aforesaid facts, no ground to interfere, in the impugned order, is made out.

Dismissed.

All the pending miscellaneous application(s), if any, are also disposed of.

01.12.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE