

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

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IN VIRTUAL COURT

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CR No. 2107 of 2020 (O & M)

Date of decision : 8.9.2021

Ruhla Singh

.....Petitioner

Vs.

Ishwar Saini and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Parminder Singh, Advocate, for the petitioner

Mr. Ramandeep Singh, Advocate, for respondent No.1

Mr. Pritam Singh Saini, Senior Addl. AG, Haryana with
Mr. Harish Rathee, DAG, Haryana

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 21.7.2020 (Annexure P-4), whereby application filed under Order 1 Rule 10 CPC for impleadment as defendant was allowed, despite closing of defendants' evidence and despite the fact that no claim has been raised in the suit against the applicants, who are the respondents No.1 and 2 in the present petition.

A perusal of the order impugned in the present petition shows that undisputedly, respondents No.1 and 2 are the owners in possession of the land, which has been subject matter of that partition which has been challenged by the petitioner. Respondents No.1 and 2 are either the persons who had been put in possession of land under the partition in question or are the persons who have acquired their property after the said partition; from the ordinal allottees

of that partition. Therefore, they have a genuine grievance if that partition is challenged by a co-sharer through this suit. By no means, it can be said that respondents No.1 and 2 have no cause to join the proceedings of the case. Being the parties directly effected by any order which could be passed in the proceedings before the trial Court, respondents No.1 and 2 shall be definitely the necessary and proper parties for just decision of the case by the trial Court.

Accordingly, this Court does not find any illegality or infirmity in the order passed by the trial Court. Hence, the present petition is dismissed.

Accordingly, all pending applications are also dismissed.

(RAJBIR SEHRAWAT)
JUDGE

8.9.2021

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No