

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Revision No. 5138 of 2017 (O&M)

Mohammad Salim

... Petitioner(s)

Versus

Hanifan (Now Deceased) through her LR and Others

... Respondent(s)

2. Civil Revision No. 5165 of 2017 (O&M)

Mst. Farzana

... Petitioner(s)

Versus

Mohammad Bashir (Now Deceased) through his LRs and Another

... Respondent(s)

AND

3. Civil Revision No. 99 of 2019 (O&M)

Mohammad Saleem

... Petitioner(s)

Versus

Naresh Kumar Proprietor of M/s Dinesh Industries and Others

... Respondent(s)

DATE OF DECISION: 26.05.2022

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Jai Bhagwan, Advocate
for the petitioner(s).

Mr. Mohammad Yousaf and Mr. Abdul Aziz, Advocates
for the respondent No. 8, 9, 10, 16, 17 and 18
(In CR-5138-2017).

Mr. Himanshu Puri, Advocate
for the respondent No.6 (In CR-5138-2017),
for the respondent No.2(i) (In CR-5165-2017) and
for the respondent No.2 (In CR-99-2019).

Anil Kshetarpal, J.

1. Three revision petitions have been filed challenging the correctness of the various interlocutory orders, passed by the trial Court during the pendency of the suit.

2. The Civil Revision No. 5138 and 5165 of 2017 have been filed assailing the correctness of a common order passed by the trial Court on 11.04.2017 while permitting Zareen Begum to be impleaded as a party in the pending suit. The plaintiff has filed a suit for grant of decree of declaration that he is a joint owner in possession of the suit property. He also challenges the correctness of memorandum/gift deed dated 01.02.1984 as well as the Civil Court decree dated 15.10.2003. Zareen Begum claims to be the beneficiary of the aforesaid gift deed. Her application for impleadment has been allowed.

3. The learned counsel representing the petitioner contends that the parties to the suit, after entering into the settlement, are seeking to defeat the same while moving the application in question. He submits that Zareena Begum's husband as well as mother-in-law are already parties to the suit.

4. This Court has considered the submissions. Once Zareena Begum claims right to the suit property on the basis of a gift deed, which is executed in her favour, she is a necessary party. Hence, no ground is made out to interfere with the order passed by the trial Court on 11.04.2017.

5. In Civil Revision No. 99 of 2019, the trial Court has permitted

the objectors to bring on record the legal representatives of Smt. Hanifan Begum. The application was filed by Mohammad Shamim and Zareena Begum (son and daughter-in-law of Smt. Hanifan Begum).

6. While bringing on record the legal representatives of Smt. Hanifan Begum, the trial Court does not decide the right, title or interest in the property. These legal representatives are brought on record for the purpose of prosecuting or defending the pending proceedings.

7. Keeping in view the aforesaid facts, all the three revision petitions are dismissed.

8. The miscellaneous application(s) pending, if any, in all the three revision petitions, shall stand disposed of.

**(Anil Kshetarpal)
Judge**

May 26, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No