

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 5379 of 2018

Date of Decision: 27.09.2022

Manjit Kaur

... Petitioner(s)

Versus

Gian Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Varun Sharma, Advocate
for the petitioner(s).

None for the respondent No.1.

Mr. Manish Kumar Garg, Mr. Ashish Pundir and
Mr. Vikas , Advocates, for the respondent No.2 and 3.

Anil Kshetarpal, J.

1. The prayer is to set aside interlocutory order dated 20.04.2018, passed by the trial Court during the pendency of the suit.

2. The petitioner's father has filed a suit for declaration that the sale deed dated 04.09.2012, executed by defendant No.2 in favour of defendant No.1, is a result of fraud and cheating and is null and void.

3. During the pendency of the suit, the petitioner (the plaintiff's daughter) has filed an application for her impleadment as a defendant to the suit, which has been dismissed. The trial Court has found that she is not the necessary party.

4. It has also come on record that a separate suit between the defendant No.1 and the petitioner is pending. The petitioner claims to be in

possession of property in pursuant to a transfer deed executed by her father. Once the plaintiff (the petitioner's father) has already filed a suit challenging the sale deed, the transfer in favour of the petitioner is not a subject matter for adjudication in the present case, hence, she cannot claim to be necessary party in the suit.

5. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

September 27, 2022
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No