

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

CR-121-2023(O&M)

Date of decision:-10.1.2023

Surjit Kaur

...Petitioner

Versus

Mohinder Kaur and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Ranjit Saini, Advocate
for the petitioner.

H.S. MADAAN, J.

1. Feeling aggrieved by order dated 23.11.2022 passed by Civil Judge(Jr.Divn.), Dasuya vide which her application under Order 1 Rule 10 read with Section 151 CPC for being impleaded as a party was dismissed, the applicant Surjit Kaur has approached this Court by way of filing the present revision petition.

2. Briefly stated, facts of the case are that on a suit having been filed by plaintiff Mohinder Kaur and another against Gurmail Kaur and 17 others on 25.1.2001, a preliminary decree dated 19.9.2009 was passed; thereafter the plaintiffs moved the Court for passing final decree; during the pendency of proceedings for passing of preliminary decree, one of the co-sharers had sold his property to applicant Surjit Kaur vide registered sale deed dated 18.8.2005; when the case was pending for final arguments for passing of final decree, Surjit Kaur had moved an application for impleading her as a party. That application was dismissed vide the

impugned order dated 23.11.2022. Hence this revision petition by applicant Surjit Kaur.

3. I have heard learned counsel for the revision petitioner besides going through the record.

4. The applicant being transferee of the property held by one of the co-sharers during the pendency of the suit does not have any independent right to be impleaded as a party. Therefore, she could not claim that she is a necessary or proper party required to be brought on record as such. The trial Court has taken note of the fact that the application has been filed after expiry of more than 17 years of the sale deed in favour of the applicant. The trial Court has rightly observed that even if the applicant has purchased share of one of the co-sharers in the suit property, she will not lose that right irrespective of the outcome of the partition proceedings and she would be entitled to her share in the suit property having stepped into shoes of her vendee, who was one of the co-sharers in the suit property.

5. I find myself in agreement with the trial Court in that regard and do not see any illegality or infirmity in the impugned order, which might have warranted interference by this Court by exercising revisional jurisdiction.

6. Finding no merit in the revision petition, the same stands dismissed.

10.1.2023
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No