

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

117

CR-504-2023

Date of decision : 25.01.2023

Gurmeet Kaur

... Petitioner

Versus

Kuldeep Kaur and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Namit Gautam, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 03.01.2023 (Annexure P-4) whereby the application under Order 1 Rule 10 CPC preferred by her for her impleadment as a party has been declined by the trial Court on account of lack of evidence.

Learned counsel for the petitioner submits that the application of the petitioner for impleadment has been declined on the ground that the supporting documents were not filed along with the application. Some of the documents had been filed but the same were not taken into consideration. He further submits that the petitioner may be granted another opportunity to file an application with all the supporting documents and the trial Court be directed to consider and decide the same afresh.

Heard.

The applicant (petitioner herein) is stated to be a daughter of Late Sewak Singh. The estate of Sewak Singh is stated to have devolved on the legal heirs including his wife, two sons and the applicant/daughter. The suit had been filed for declaration, separate possession and permanent injunction

by the plaintiff/mother along with daughter-in-law (wife of predeceased son) against the other son. In the event of the petitioner being the daughter of Late Sewak Singh, she would be a necessary party.

Consequently, the petition is disposed of with liberty to the petitioner to prefer an application for impleadment with all the supporting documents towards her claim as daughter of late Sewak Singh. The trial Court is directed to consider the application afresh and decide the same in accordance with law without being influenced by the impugned order.

(ANUPINDER SINGH GREWAL)
JUDGE

January 25, 2023
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No