

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

**Civil Revision No.905 of 2023
Date of Decision: 09.02.2023.**

Anita Munjal

...Petitioner

Versus

Vibhuti Jauhari & Others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Ajay Dabas, Advocate
Mr. Anand Dabas, Advocate &
Mr. Amit Kohar, Advocate,
for the petitioner.

Ms. Prity Sharma, Advocate &
Mr. Vinod Kumar, Advocate,
for respondents No.1 & 2-Caveators.

MEENAKSHI I. MEHTA, J.

By way of the instant revision-petition, the petitioner has laid challenge to the order (Annexure P-1) passed by learned Civil Judge (Junior Division) Gurugram (for short 'the trial Court') on 16.01.2023, whereby the application (Annexure P-3) moved by her under Order 1 Rule 10 read with Section 151 CPC with the prayer for being impleaded as a party to the Civil Suit titled as "***Vibhuti Jauhari & another vs. General Public***", has been dismissed.

2. Learned counsel for respondents No.1 & 2-plaintiffs has put in appearance in the present revision petition.

3. I have heard learned counsels for the petitioner as well as for respondents No.1 & 2-plaintiffs in this revision petition, at the preliminary stage and have also perused the file carefully.

4. Learned counsels for the petitioner contend that the petitioner happens to be the real sister of deceased Vinay Jauhari, the husband and father of respondents No.1 & 2-plaintiffs (here-in-after to be referred as 'the plaintiffs') respectively and the suit property had been purchased in the names of Vinay Jauhari and his mother Kaushalya Jauhari, out of the sale proceeds of the property owned by the father of the petitioner and said Vinay Jauhari and therefore, the petitioner and her three sisters have also got right, title and interest in the said property and it being so, the petitioner is a necessary party to the afore-said Civil Suit, filed by the plaintiffs for seeking a decree for the declaration regarding their entitlement to inherit the properties of the above-named deceased, for its proper and effective adjudication but vide the impugned order, the trial Court has erroneously dismissed the afore-mentioned application (Annexure P-3) and hence, the said order deserves to be set aside.

5. Per-contra, learned counsels for the plaintiffs argue that the suit property had been purchased by Vinay Jauhari and Kaushalya Jauhari in 1993 and the sale deed was registered in the year 1998 and thereafter, Kaushalya Jauhari had gifted her share in this property to Vinay Jauhari during her life time and thus, he had become its sole owner and after his death, it is to devolve upon the plaintiffs by way of the natural flow of inheritance and therefore, the petitioner has no concern with the same and her above-referred application has rightly been dismissed.

6. Concededly, the sale deed in respect of suit property had been executed and registered in the names of said Vinay Jauhari and Kaushalya Jauhari in the year 1998 and it also goes undisputed between the parties

that plaintiff No.1 is the wife and plaintiff No.2 is the daughter of deceased Vinay Jauhari and as such, they are his Class-I legal heirs. A perusal of the copy of the plaint of another Civil Suit filed by the petitioner in Delhi High Court for seeking the partition of the properties, including the suit property, reveals that she has made specific averments therein regarding the execution of the Gift Deed by Kaushalya Jauhari in favour of Vinay Jauhari but however, in her application Annexure P-3, she has not disclosed the afore-said fact, for the reasons best known to her. It is also worth-while to mention here that no cogent material is available on the file to show that the petitioner had ever staked her claim in the suit property or had assailed the genuineness and validity of the said sale deed or the Gift Deed, during the life time of her father or Vinay Jauhari or Kaushalya Jauhari. In these circumstances, she cannot be held to be a necessary party to the above-said Civil Suit, filed by the plaintiffs.

7. In view of the fore-going discussion, this Court is of the considered opinion that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

09.02.2023*seema***(MEENAKSHI I. MEHTA)
JUDGE**

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>