

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

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2023:PHHC:139203

CR-1255-2023

Date of decision: 31.10.2023

NISHAN SINGH

..Petitioner

Versus

PUNAM KAUR AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Krishan Singh, Advocate
for the petitioner.

Mr. Manoj Pundir, Advocate
for respondent No.1 and 2.

ANIL KSHETARPAL, J(Oral)

1. An application filed by the petitioner under Order I Rule 10 of the Code of Civil Procedure, 1908 to implead Sh. Gagandeep Singh and Smt. Gursimran Kaur children of Smt. Inder kaur as the party defendant in the pending suit, has been dismissed by the trial Court. The correctness of the aforesaid order has been challenged in this revision petition.
2. The Court has found that the application was filed when the case was at the stage of rebuttal and final arguments. The plaintiff has also failed to show that he exercised due diligence.
3. This Court has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.
4. This Court has repeatedly requested the learned counsel representing the petitioner to explain the requirement of impleadment of Sh. Gagandeep Singh and Smt. Gursimran Kaur as a party in the suit. However, he has stated that Sh. Gagandeep Singh and Smt. Gursimran Kaur are grandchildren of one Sh. Manohar Singh.

5. This suit has been filed by Sh. Nishan Singh (the petitioner) for grant of declaration that he is owner in possession of property bearing Municipal No.B-9/578 T. He has also sought declaration that the sale deed executed by defendant No.1 (Smt. Punam Kaur) in favour of defendant No.2 (Smt. Gurjeet Kaur) is illegal, null and void and not binding on the rights of the plaintiff. Thus, the vendor and vendee are the parties to the suit.

6. The plaintiff has also sought declaration that the registered Will dated 11.07.2008 allegedly executed by Sh. Manohar Singh in favour of defendant No.1 is forged and fabricated. The defendant No.1 is Smt. Punam Kaur.

7. In view of the aforesaid facts, no ground to interfere is made out.

8. Dismissed accordingly.

9. All the pending miscellaneous applications, if any, are also disposed of.

October 31st, 2023

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*