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

CR-1545-2023

Date of Decision:- 21.08.2023

LAKHVIR KAUR AND ANOTHER

....Petitioners.

Vs.

RAGHVIR SINGH AND OTHERS

.....Respondents

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Gurcharan Dass, Advocate for the petitioners.

AMARJOT BHATTI, J. (Oral)

1. The petitioner Lakhvir Kaur and her minor son through his mother and natural guardian filed civil revision for setting aside order dated 15.02.2023 passed by learned Civil judge (Junior Division), Khanna, District Ludhiana titled as “Raghvir Singh Vs. Jaswinder Singh” whereby application under Order 1 Rule 10 CPC filed by the petitioners has been dismissed.

2. It is pointed out that the petitioner No.1 Lakhvir Kaur is wife of respondent No.2 Jaswinder Singh. The petitioner No.2 Gursharan Singh and respondent No.3 Sapanpreet Kaur are their children. Raghvir Singh respondent No.1 has filed Civil Suit No.185 dated 03.06.2019 against Jaswinder Singh for possession by way of specific performance of agreement to sell dated 05.04.2018 executed by Jaswinder Singh in favour of Raghvir Singh regarding land measuring 5 Kanal 0 Marla out of the land measuring 30 Kanals 0 Marla bearing Khasra numbers, situated in the

revenue estate of village Bhadla Neecha, Tehsil Khanna, District Ludhiana

along with suit for permanent injunction as detailed therein. The respondent No.2 has also filed his written statement. Copy of plaint and written statement are Annexures P-2 and P-3. In this case the present petitioners filed application under Order 1 Rule 10 CPC for impleading them as a party in the civil suit. Copy of the application is Annexure P-4 and the reply filed in this regard is Annexure P-5. The said application has been dismissed by passing impugned order dated 15.02.2023. In-fact the respondent Nos.1 and 2 have filed this civil suit in connivance with each other to defeat the legal rights of the petitioners. She has filed a petition for grant of maintenance wherein a prayer has been made to create a charge upon the suit property. The case has been filed under Order 33 Rule 1 CPC read with Section 18 and 20 of Hindu Adoption and Maintenance Act. Therefore, the material right of the petitioners is involved. The other litigation going on between the parties is also detailed in the petition. The present petitioners had filed an application under Order 1 Rule 10 CPC for impleading them as a party to the civil suit which has been wrongly declined by passing impugned order dated 15.02.2023. It is prayed that the aforesaid order may kindly be set aside and they may be allowed to be impleaded as defendants to contest the suit and to defend their rights in the property in question.

3. I have considered the arguments advanced before me. I have also gone through the record carefully. The facts of the case indicate that there is matrimonial dispute between the petitioner Lakhvir Kaur and husband Jaswinder Singh. She has placed on record copy of petition filed by her along with her children under Order 33 Rule 1 CPC read with Section 151 CPC for permission to sue as an indigent person and suit for

grant of maintenance under Sections 18 and 20 of Hindu Adoption and Maintenance Act and for recovery of Rs.3,60,000/- as past maintenance @ Rs.15,000/- per month to her and Rs.7500/- per month for each of petitioner Nos.2 and 3. The present petitioners filed application under Order 1 Rule 10 CPC to be impleaded as party in this civil suit titled Raghvir Singh Vs. Jaswinder Singh in suit for possession by way of specific performance to agreement to sell dated 05.04.2018 executed by Jaswinder Singh defendant in favour of plaintiff regarding 5 kanal of land as detailed in the said plaint. The copy of plaint is Annexure P-1. I have gone through the impugned order dated 15.02.2023 passed by learned Civil Judge (Jr. Divn.) Khanna vide which the application under Order 1 Rule 10 CPC has been dismissed. It is rightly pointed out by learned trial Court that in the civil suit seeking possession by way of specific performance of agreement to sell, only Raghvir Singh and Jaswinder Singh are necessary party for the disposal of the matter in controversy. The present petitioners have no role to play in this litigation. In case the present petitioners have got lien over the property involved in the civil suit they are required to file appropriate application in the petition filed by her along with her children under Sections 18 and 20 of Hindu Adoption and Maintenance Act. Therefore, considering the aforesaid facts, I do not find any reason to interfere in the impugned order dated 15.02.2023 passed by learned Civil Judge (Jr. Divn.), Khanna.

Resultantly, the revision preferred by the present petitioners is without merits and the same is accordingly declined.

Pending applications, if any, also stand disposed of.

21.08.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No