

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

131

CR No.4506 of 2023

Date of Decision: 10.08.2023

Kuldeep Kaur

.....*Petitioner*

Versus

Surmukh Singh and Ors.

.....*Respondents*

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Abhinav Singla, Advocate
for the petitioner.

GURBIR SINGH, J (ORAL)

1 Challenge in this revision petition is to impugned order dated 17.09.2019 (Annexure P-1) passed by the learned Civil Judge (Jr. Divn.) Kharar, SAS Nagar, Punjab, in CS No.332/2018 titled as ‘Surmukh Singh and Ors Vs. Gurpreet Singh and Ors’, dismissing the application under Order 6 Rule 17 of CPC read with Order 1 Rule 10 CPC for allowing the petitioner/applicant for impleading as defendant.

2 Learned counsel for the petitioner submits that suit for permanent injunction was filed by respondent Nos.2 to 5 (hereinafter called the plaintiffs) against respondent Nos.6 to 8 (hereinafter called defendants). The defendants filed written statement *inter alia* pleading that earlier Gurbachan Singh son of Gurmukh Singh was in possession of 2 kanal 15 marla of the suit land and he further entered into agreement to sell dated

20.05.2005 with respondent No.6/defendant but later on sale deed was executed in favour of Ravinder Singh Walia and Anoop Singh Walia, sons of real sister of respondent No.8 and are in continuous possession of the suit land and they have further built up a house and diary farm on the said land. During the pendency of the Civil suit, Anoop Singh Walia, constituted Harbans Singh as his Attorney and executed GPA dated 14.11.2018 (Annexure P-5). The petitioner has got the vested right in the suit property being absolute owner of the suit property. Petitioner filed an application under Order 6 Rule 17 read with Order 1 Rule 10 CPC dated 17.05.2019 (Annexure P-6) and reply dated 19.08.2019 (Annexure P-7) was filed. The learned trial Court without any reason dismissed the application. Respondent No.8-Harbans Singh had given right to transfer or to deal with the land in any manner by way of GPA dated 14.11.2018 executed by Anoop Singh Walia in favour of Harbans Singh and in lieu of said GPA, Harbans Singh has transferred the land in the name of the petitioner/applicant, who is a necessary party.

3 I have heard the submissions made by learned counsel for the petitioner.

4 A suit for permanent injunction was filed by Surmukh Singh and others against Harbans Singh and his two sons, namely Gurpreet Singh and Parwinderjeet Singh @ Kala. The application (Annexure P-6) was filed by Gurpreet Singh to be impleaded as defendant and not by the petitioner. When faced with the situation, that petitioner is not the applicant before the learned trial Court and what *locus standi* she has got to file this revision petition, then counsel for the petitioner has no answer. It is submitted that petitioner is wife of Harbans Singh-defendant and mother of Gurpreet Singh.

Since the petitioner is not the applicant, so she has no *locus standi* to file this revision petition.

5 Accordingly, the revision petition is hereby dismissed.

10.08.2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No