

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.126

Case No. : C. R. No. 5600 of 2023

Date of Decision : October 04, 2023

Ravi Kant Garg		Petitioner
vs.		
Karan Garg and others		Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Gurmeet Singh Saini, Advocate
for the petitioner.

* * *

GURBIR SINGH, J. :

1. Challenge in this petition filed under Article 227 of the Constitution of India is to the order dated 18.07.2023 (Annexure P-4), passed by learned Civil Judge (Junior Division), Sirsa (for brevity – Trial Court), whereby application under Order 1 Rule 10 CPC for impleading Smt. Kavita Garg @ Anu as defendant as well as under Order 6 Rule 17 CPC read with Section 151 CPC (Annexure P-2) for consequential amendments in the plaint, has been allowed.

2. The brief facts, as culled out from the petition, are that respondent no.1 – Karan Garg, who is the only contesting respondent before this Court, filed a suit against the present petitioner and proforma respondents, for partition and possession by metes and bounds of the residential house of the parties and for permanent injunction restraining the defendants from raising any further construction over the plot or any part thereof more than their share till partition and also for restraining them from alienating any specific portion of the property in dispute was sought.

3. Learned counsel for the petitioner has argued that respondent

no.1/plaintiff was already aware about the transfer of property by the petitioner in favour of Kavita Garg @ Anu through a transfer deed but she was intentionally not impleaded as a party at the time of filing of suit and the application to implead her as a defendant has been moved just to delay the proceedings and to linger on the matter. It has further been prayed that the amendment, which is not sought bonafidely, cannot be allowed.

4. I have heard the submissions of learned counsel for the petitioner and perused the case file.

5. Respondent no.1/plaintiff wanted to implead Kavita Garg @ Anu as defendant in the suit. She is none else but wife of the petitioner, who is defendant no.1 before the learned Trial Court. It was specific plea of respondent no.1/plaintiff that he had come to know that defendant no.1 had transferred the share in the suit property in favour of his wife namely Kavita Garg @ Anu. Since she has become co-sharer in the suit property, therefore, she is necessary party for disposal of the suit for partition.

6. The law of amendment is very liberal. A party, which is necessary or proper, is required to be impleaded in order to avoid multiplicity of litigation.

7. In view of above, I find no ground to interfere in the lawful order dated 18.07.2023 (Annexure P-4), passed by learned Trial Court. The present revision petition, being without any merit, is hereby dismissed in limine.

October 04, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.