

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

CR-6821-2019(O&M)

Date of decision:-21.2.2023

Ranjodh Singh

...Petitioner

Versus

Davinder Parmar and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Chetan Bansal , Advocate
for the petitioner.

Mr.Atul Nehra, Advocate
for respondents 1 to 7.

H.S. MADAAN, J.

1. Under challenge in this revision petition is order dated 2.9.2019 passed by Civil Judge(Jr.Divn.), Garhshankar in civil Suit titled 'Smt.Davinder Parmar and others Versus Kulbir Singh and others' vide which an application under Order 1 Rule 10 CPC filed by applicant Ranjodh Singh for being impleaded as a party was dismissed.

2. Applicant Ranjodh Singh, who is revision petitioner before this Court in his application under Order 1 Rule 10 CPC had contended that the suit property is joint Hindu coparcenary property of the applicant and parties to the suit since it devolved upon them from a common ancestor Sh.Bhulla Singh; from Bhulla Singh, the property came to his son Basant Ram and from Basant Ram to his son Harbans Singh; Harbans Singh was father of the applicant; Harbans Singh has expired leaving behind the applicant and his brother Kulwaran Singh as his legal

representatives on the basis of will executed by him; the mother of the applicant had died prior to death of his father and sisters of the applicant have no right or title in the suit property as per will of father of the applicant. According to the applicant, he is in possession of the suit property along with other co-sharers; the property falls within red line of the village, therefore no documentary proof is available with any of the parties. According to the applicant, he is a necessary party in the suit and controversy involved in the suit cannot be finally adjudicated in his absence, therefore his application be allowed.

3. The application was resisted by the plaintiffs denying the allegations in the application praying for its dismissal.

4. The trial Court vide the impugned order dated 2.9.2019 had dismissed the application, leaving the applicant aggrieved and he has approached this Court by way of filing the present revision petition, notice of which was issued to respondents No.1 to 7, who had put in appearance through counsel.

5. I have heard learned counsel for the parties besides going through the record.

6. For ready reference, the operative part of the order is being reproduced as under:

By way of present application, counsel for the applicant want to be impleaded as party in the suit with the arguments that originally the property in question has been devolved from Bhulla Singh to Basant Ram and from Basant Ram to Harbans Singh. Said Harbans Singh is father of applicant,

meaning thereby, he is also a co-owner in property in question. The applicant is in possession of the suit property along with other co-owners. The applicant is necessary party and the present case cannot be adjudicated in his absence. The applicant to be impleaded as party in the present party suit has to show himself to be co-owners of the property in question. Plaintiff has alleged himself to be son of Harbans Singh son of Basant Ram son of Bhulla Singh. The applicant has not placed on record any single document showing him to be descendant of Bhulla Singh or that he is possession. Though he has argued that the property is within red line of the village, as such, there is no document to show his possession over the same. One thing the applicant could have done to show his possession is to file an affidavit to that extent but he has not filed any affidavit along with the application to show that he is in possession over the property being a co-owner with parties to the suit. As such, the application is hereby dismissed. Now to come up on 11.9.2019 for DWs.

7. The impugned order passed by the trial Court is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

8. As regards the judgment i.e. **Kartar Ram Versus Gurmej Ram and others, 2009(51) RCR(Civil) 202** relied upon by learned counsel

for the petitioner, the same is not applicable to the present case due to different facts and circumstances of the case and the context in which such observations had been made.

9. Finding no merit in the revision petition, the same stands dismissed.

The interim order dated 17.2.2022 staying the passing of final order by the trial Court stands withdrawn.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

21.2.2023
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No