

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 3403 of 2018****Date of Decision: 10.10.2023**

Kanta Devi

... Petitioner(s)

Versus

Garish Kumar and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ravi Chadda, Advocate
for the petitioner(s).

Mr. Gaurav Chadha, Advocate
for the respondent No.1.

Anil Kshetarpal, J.

1. The petitioner before this Court is plaintiff No.1 in a pending suit for the grant of decree of declaration that she along with others is a joint owner in possession of the land measuring 2 kanals and 8 marlas being 1/6th share of the total land measuring 14 kanals and 8 marlas.

2. The defendants, while filing the written statement on 17.10.2013, objected to the maintainability of the suit by claiming that the suit is bad for non-joinder of the parties. The plaintiffs did not take steps to take remedial measures.

3. The parties have led their evidence and when the case came at the stage of rebuttal and final arguments in the suit, an application was filed by the plaintiffs for permission to implead Smt.Ankita Sharma and Ms.Priya Sharma as defendants in the suit. The trial Court has dismissed the said

application on the ground that the plaintiffs were made aware by the

Civil Revision No. 3403 of 2018

defendants in the written statement dated 17.10.2013, whereas, this application has been filed after a period of nearly four years i.e. in the year 2017. Thus, the trial Court has rejected the plaintiffs' application.

4. The correctness of the aforesaid order has been challenged in this revision petition by the plaintiff No.1.

5. The learned counsel representing the petitioner (plaintiff No.1) has asserted that the application should have been allowed, as an application for permission to implead the proper parties can be filed at any stage.

6. This Court has considered the submissions. In this case, the plaintiffs themselves have been thoroughly negligent in filing the application. Even after the defendants, while filing the written statement in the year 2014, objected to the maintainability of the suit for non-joinder of the parties.

7. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

October 10, 2023

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No