

CR-831-2025 (O & M)

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

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CR-831-2025 (O & M)

Date of decision:07.02.2025

GURPREET SINGH MANGAT

...PETITIONER

VS.

GURJIT SINGH AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jaiteshwar Singh, Advocate
for the petitioner.

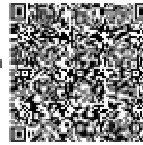
SUVIR SEHGAL, J.**CM-2518-CII-2025**

1. Exemption, as prayed for, is allowed.
2. Annexures P-1 to P-7 are taken on record.

Main Case

3. Instant revision petition has been filed under Article 227 of the Constitution of India assailing order dated 04.12.2024, Annexure P-7, passed by the learned Civil Judge (Junior Division), Ludhiana.
4. Counsel for the petitioner has submitted that after the death of the parents of the petitioner, alongwith respondent No.1/plaintiff he is entitled to inherent the suit land. Claiming that the petitioner is in cultivating possession, counsel asserts that he is a necessary party to the suit and his presence is required for the effective adjudication of the dispute. Counsel states that the application for impleadement has been filed after the

petitioner, who was settled in Canada, came back to India in September



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2024 and became aware of the litigation, but it has been erroneously declined by the Trial Court.

5. I have heard counsel for the petitioner and considered his submission.

6. A perusal of the plaint, Annexure P-1, shows that respondent No.1/plaintiff has filed the suit for permanent injunction restraining the defendants from interfering in his peaceful possession of the suit property asserting that he is owner in cultivating possession of the suit land. The onus to prove his ownership and possession of the suit property is of the plaintiff. Plaintiff has not claimed any relief against the petitioner, who cannot claim to be a necessary party to the suit. His presence before the Trial Court is not necessary to adjudicate the moot point involved in the suit. Petitioner is neither a necessary nor a proper party to the suit and cannot be impleaded against the wishes of respondent No.1/plaintiff, who is the master of the suit. Reliance placed by the petitioner upon judgment dated 21.04.2022 passed by this Court in CR-790-2022 titled as **Sukhmeet Kaur and another Vs. Harjinder Singh and others** is of no help to him. In that case, the Court found that the applicant was a necessary and a proper party as he had purchased the suit property and was in possession thereof as an owner. There is no perversity or irregularity in the order passed by the Trial Court.

7. Petition sans merit and is dismissed with no order as to costs.

07.02.2025

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(SUVIR SEHGAL)

JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No