



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

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CR No.3467 of 2023 (O&M)**Date of Decision :27.05.2025****Sarabjit Kaur****.....Petitioner****Versus****Kiranjot Kaur Bhullar and others****..... Respondents****CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL****Present: Mr. Akhilesh Vyas, Advocate for the petitioner.****Mr. R.S.Bajaj, Advocate for respondent No.1.****Mr. Karan Kumar Jund, Sr. Panel Counsel
for UOI-respondents No.2 to 7.****VIKRAM AGGARWAL, J. (Oral):**

Petitioner (Sarabjit Kaur) assails the order dated 15.05.2023 (Annexure P-11), passed by the Court of Civil Judge (Sr. Divn.), Jalandhar, vide which the application preferred by the petitioner under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (for short 'of CPC'), seeking to be impleaded as a party in a suit filed by respondent No.1 (Kiranjot Kaur Bhullar) was dismissed.

2. Late Charan Singh Bhullar retired as a Deputy Commandant from the Border Security Force (BSF) in 1990. He was married to Ravinder Kaur and from the wed-lock, the present petitioner (Sarabjit Kaur) had been born.

3. Kiranjot Kaur Bhullar (respondent No.1) instituted a suit (Annexure P-4) against Union of India seeking a declaration to the effect that she was the legally wedded second wife of late Charan Singh Bhullar and that



entry in the Permanent Pension Order (PPO) to this effect be corrected. She also staked claim to the family pension of Charan Singh Bhullar. Notably, neither the present petitioner nor her mother were impleaded as parties.

4. The suit was opposed by way of written statement (Annexure P-5) by the Union of India wherein a stand was taken that Kiranjot Kaur Bhullar had no *locus standi* to file the suit, for, in the service record of Charan Singh, he had declared Ravinder Kaur as his legally wedded wife and Sarabjit Kaur Bhullar as his daughter. Kiranjot Kaur Bhullar was asked by the department to submit a succession certificate of Charan Singh Bhullar but the same had not been submitted. It was averred that until the documents were submitted, the department was not in a position to decide about the family pension of the deceased. On merits also, the same stand was taken.

5. During the pendency of the suit, Sarabjit Kaur moved an application under Order 1 Rule 10 of CPC (Annexure P-7) seeking impleadment as a party. Apart from disputing the claim of Kiranjot Kaur Bhullar about her being the second wife of Charan Singh Bhullar, she also staked claim upon the family pension of Charan Singh Bhullar, being his widowed daughter. The application was opposed by way of reply (Annexure P-8) denying all averments. By way of the impugned order the said application was dismissed leading to the filing of the present revision petition.

6. I have heard learned counsel for the parties.

7. Mr. Akhilesh Vyas, learned counsel for the petitioner has submitted that the trial Court erred in rejecting the application. He submits that Kiranjot Kaur Bhullar has absolutely nothing to do with Charan Singh Bhullar and that she had filed a suit not only seeking family pension but also a



declaration that she was the second legally wedded wife of Charan Singh Bhullar. He submits that under these circumstances, the presence of the petitioner would be essential for the just decision of the case.

8. *Per contra*, Mr. R.S.Bajaj, learned counsel representing Kiranjot Kaur Bhullar (respondent No.1) submits that there is no illegality in the impugned order and Sarabjit Kaur Bhullar is neither a necessary nor a proper party. He submits that Kiranjot Kaur Bhullar is the *dominus litis* and it would be for her to decide as to who should be impleaded in the suit. He submits that in any case, the suit has been pending for a long time and allowing the application would mean further delay in the decision of the suit. It has also been submitted that even as per the guidelines issued by the department (Annexure P-12), Sarabjit Kaur would not be entitled to family pension since her husband expired after the death of Charan Singh Bhullar.

9. I have considered the submissions made by learned counsel for the parties.

10. Order 1 Rule 10 of CPC confers a vide power on Courts to strike out or add parties. Sub Rule 2 of Rule 10 also provides that where the Court finds that the presence of a party would be necessary in order to enable the Court to effectually and completely adjudicate upon and settle all questions involved in the suit, it may add such party. The object of adding a party is also to avoid multiplicity of proceedings and contradictory findings in separate suits.

11. Reverting to the facts of the present case, Charan Singh Bhullar, was concededly married to Ravinder Kaur. The couple had a daughter Sarabjit Kaur. It is also an admitted fact that both Charan Singh Bhullar and



Ravinder Kaur have unfortunately expired. Kiranjot Kaur Bhullar claims to be a second legally wedded wife of Charan Singh Bhullar whereas the stand of Sarabjit Kaur is that no such marriage had been solemnized by Charan Singh Bhullar. Even in the record of the department, Charan Singh Bhullar had claimed Ravinder Kaur as his wife and Sarabjit Kaur as his daughter. There was no reference of Kiranjot Kaur Bhullar in the service record of Charan Singh Bhullar and this fact is also evident from the written statement submitted by Union of India before the trial Court.

12. Further, Kiranjot Kaur Bhullar has sought a declaration to the effect that she is the second legally wedded wife of Charan Singh Bhullar and further that she shall be entitled to the family pension. In so far as the first relief is concerned, this Court is of the considered opinion that the presence of Sarabjit Kaur is necessary so that the Court can effectively adjudicate upon the matter and decide the issue as to whether she would be entitled to the family pension or not. This Court does not deem it appropriate to delve into the said issue, though, learned counsel had raked it up during the course of arguments. Observations on the merits of the issue may prejudice the case of either side.

13. In view of the above, this Court is of the considered opinion that the trial Court erred in rejecting the application filed by Sarabjit Kaur and at the same time commenting upon the merits of the issue as well.

14. That being so, the present revision petition is allowed. The impugned order dated 15.05.2023 (Annexure P-11), passed by the Court of Civil judge (Sr. Divn.), Jalandhar, is set aside and the application under Order 1 Rule 10 of CPC filed by Sarabjit Kaur is allowed. The trial Court may now



proceed in accordance with law. Keeping in mind that the litigation is pending for a long time, the trial Court is requested to deal with the matter expeditiously and make earnest efforts to conclude the trial within a period of one year.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

27.05.2025
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No