



CR No. 3256 of 2025

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-3256-2025 (O&M)
Decided on : 09.09.2025

Harpiari

.....Petitioner

Versus

Gopal & Ors.

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Ms. Puja Chopra, Advocate, for the petitioner.

DEEPAK GUPTA, J.

Petitioner herein is one of the plaintiffs in Civil Suit No. 3142 of 2019, titled as '*Haripari & Ors. Vs. Gopal*', pending before learned Civil Judge (Jr. Divn.), Gurugram. She is aggrieved by the order dated 18.04.2025 (*Annexure P-1*) passed by the trial Court, whereby application of Smt. Radha wife of Gopal (*respondent No.2 herein*) under Order 1 Rule 10 CPC to implead her as a party, has been allowed.

2. Plaintiffs (*petitioner and proforma respondents No.3 and 4*) claimed themselves to be owner in possession of the property i.e. Lal Dora Abadi plot situated in village Binola, Tehsil Manesar and that defendant Gopal (*respondent No.1 herein*) being a domestic help was permitted as a licensee on the ground floor thereof in one room along with kitchen and bathroom (suit property). It was alleged that the defendant had started collecting rent from other tenants with intention to show him as the owner. He also started demolishing wall of the adjoining room of the premises under his possession to include the same in his room. Defendant also threatened to sell the property in dispute. With all these allegations, plaintiffs prayed for a decree of mandatory injunction to direct the defendant and his associates to vacate the suit property and also prayed for decree of permanent injunction to restrain him from interfering in the lawful possession of the plaintiff over the suit property.



3. As per the stand taken by defendant Gopal, 185 sq. yards out of the suit property had been orally gifted/ donated to him by the plaintiffs in presence of respectables in the year 2015, which was also mentioned in Panchayat Register of village Binola on 27.03.2015. He further took the stand that he had transferred said 185 sq. yards gifted to him, in favour of his wife Smt. Radha vide Vasika No. 2060 dated 23.08.2018 registered before Sub Registrar Manesar and as such, it is his wife Smt. Radha, who was owner in possession of said property. Defendant also raised various preliminary objections including that the suit was bad for non-joinder and mis-joinder of necessary parties.

4. Application under Order I Rule 10 CPC was moved by Smt. Radha i.e. wife of the defendant to implead her as a party, which has since been allowed by the trial Court by way of impugned order (Annexure P-1).

5. Assailing the impugned order, it is contended by learned counsel that prior to moving of the application, plaintiffs i.e. petitioner and proforma respondents had moved an application under Order XV Rule 1 CPC for pronouncing the judgment, as the defence taken by the defendant Gopal was false and fabricated and so not legally sustainable. But the trial Court without disposing of that application permitted Smt. Radha i.e. wife of the defendant to be impleaded as a party.

6. After hearing the submissions of the learned counsel, this Court does not find merit in the same.

7. Since beginning, the stand taken by the defendant is that part of the suit property i.e. 185 sq. yards was donated to him by the plaintiffs and later, he transferred the said property in favour of his wife Smt. Radha by virtue of transfer deed dated 23.08.2018. He had also taken the objection that suit was bad for non-joinder. Still, plaintiffs did not implead said Smt. Radha as a party.

8. The trial Court has rightly observed in the impugned order that Order I Rule 10 CPC empowers the Court to add any person as a party, at



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any stage of the proceedings, if the presence of said person is considered necessary by the Court, in order to enable the Court to effectively and completely adjudicate upon the issue involved in the matter. One of the main objectives of the said provision of the Code is to avoid multiplicity of proceedings.

9. In this case, since it was a specific stand of the defendant that he had transferred the property in dispute in favour of his wife Smt. Radha by virtue of the transfer deed dated 23.08.2018, hence, the trial Court had rightly observed that said Smt. Radha was a necessary party in whose absence the controversy involved in the case could not be decided effectively and completely.

10. As far as the application of the plaintiffs under Order XV Rule 1 is concerned, they will be at liberty to press for the same before the trial Court. It was not mandatory for the trial Court to first dispose of the said application prior to the application under Order I Rule 10 CPC.

11. As such, holding the present revision petition to be devoid of any merit, in the absence of any illegality or perversity in the impugned order so as to invoke the revisional jurisdiction of this Court, the same is hereby dismissed but with liberty to the plaintiffs-petitioner to press for the application under Order XV Rule 1 CPC. In case said application is pressed, the trial Court will dispose of the same in accordance with law.

(DEEPAK GUPTA)
JUDGE

09.09.2025
Jiten

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