



CR-10294-2018(O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-10294-2018(O&M)

Date of decision : 20.02.2025

Major Singh

... Petitioner

Versus

Jaswinder Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms.Arzo Modi, Advocate for
Mr.Mohd. Yousaf, Advocate
for the petitioner.

Mr.Ishan Gupta, Advocate
for respondent no.1.

VIKAS BAHL, J.(ORAL)

CM-2203-CII-2025

1. This is an application under Section 151 CPC for preponing the date of hearing from 11.03.2025.

2. For the reasons stated in the application, the application is allowed and the main petition is preponed from 11.03.2025 to today itself for hearing.

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1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 28.11.2018 (Annexure P-4) passed by the Civil Judge (Jr.Div.), Malerkotla, vide which the

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application of the petitioner under Order 1 Rule 10 CPC read with Section 151 CPC has been dismissed.

2. Learned counsel for the petitioner has submitted that the petitioner had an agreement to sell dated 11.03.2010 with respect to the land in question with the father of respondent no.1 and on the basis of said agreement to sell, the suit for possession by way of specific performance was filed, which was decreed vide judgment and decree dated 08.05.2017. It is submitted that the present suit was filed subsequent to the said agreement to sell dated 11.03.2010. It is further submitted that in the said circumstances, the petitioner is necessary party and thus, had moved an application under Order 1 Rule 10 CPC read with Section 151 CPC, which has been dismissed vide impugned order dated 28.11.2018.

3. Learned counsel for contesting respondent no.1-plaintiff has submitted that he has no objection, in case, the present petition is allowed and the impugned order dated 28.11.2018 is set aside and the application filed by the present petitioner under Order 1 Rule 10 CPC read with Section 151 CPC is allowed and the petitioner is ordered to be impleaded as party.

4. Keeping in view the abovesaid facts and circumstances and the fair stand taken on behalf of the respondent no.1-plaintiff, the present revision petition is allowed and the impugned order dated 28.11.2018 is set aside and the application filed by the petitioner dated 25.07.2018 (Annexure P-3) for impleadment under Order 1 Rule 10 CPC read with Section 151 CPC is allowed and the petitioner is ordered to be impleaded as defendant no.8 in the suit. The petitioner would file written statement within a period



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of 15 days from today and thereafter the trial would proceed in accordance with law.

5. Pending application, if any, stands disposed of in view of the abovesaid order.

**(VIKAS BAHL)
JUDGE**

February 20, 2025.
Davinder Kumar

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