



(CR-7809-2025)

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

(128)

CR-7809-2025 (O&M)

Date of Decision:-13.11.2025

NARESH AND OTHERS

... Petitioners

Versus

NEELAM AND OTHERS

... Respondents

-.-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Sanjiv Gupta, Senior Advocate with
Mr. Naveen Jhajholia, Advocate,
for the petitioners.

VIRINDER AGGARWAL, J. (Oral)

1. The present Civil Revision Petition has been filed under Article 227 of the Constitution of India assailing the order dated 08.09.2025, vide which, learned Additional Civil Judge (Senior Division), Bawal has dismissed the application of the petitioner for impleading petitioners as party.
2. Respondent No.1 filed a petition under the provisions of the *Hindu Minority and Guardianship Act, 1956*, seeking permission of the Court to sell the share belonging to her minor daughter, after impleading the general public as party respondents. During the pendency of the said petition, the present petitioners filed an application under Order I Rule 10 of the *Code of Civil Procedure, 1908 (CPC)* for their impleadment as party respondents, on the ground that they intended to raise objections to the proposed sale.
3. The present petitioners contended that Respondent No.1/petitioner, who is the mother and natural guardian of the minor, has since re-married and has already entered into an agreement to sell not only her own share but also the share of the minor in the said property. It was further averred that the petitioners



are co-owners of the property in question, being related to the husband of Respondent No.1/petitioner.

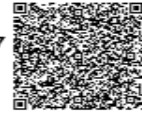
4. The learned Court after hearing the arguments passed the impugned order and dismissed the application for impleadment filed by the present petitioners.

5. Aggrieved by the order so passed, the present revision petition has been filed. Petitioners are relying upon Section 22 of Hindu Succession Act, 1956, wherein they being co-owners in the suit property has preferential right to acquire the property and it is contended that the order has been passed without taking into consideration the provisions of Section 22 of Hindu Succession Act.

6. I have heard counsel for the petitioners and have gone through the record carefully.

7. The learned Additional Civil Judge (Senior Division), Bawal has declined the application by recording reasons as contained in para 3 of the impugned order, which is as under:-

“3. File perused. Present petition is filed under Hindu Minority and Guardianship Act for seeking permission of sale of share of minor daughter. It is not in dispute that husband of petitioner named Bijender has already been expired and mutation of inheritance of property of Bijender has already been entered and sanctioned in favor of Neelam and minor daughter. Relation between petitioner and applicants are strained as several complaints has already been moved by Neelam against applicants. Even it appears that complaints were moved in the year 2021 and 2025. As far as appearance of applicants are concerned they are not owner of the



suit property and even mutation of inheritance of suit property has already been recorded in the name of minor who is under the guardianship of her mother and therefore presence of applicants are not necessary in the present petition as applicants are neither necessary nor property party in the present petition.”

8. Perusal of the petition filed by the respondent No.1/petitioner shows that the only general public was impleaded as respondent by respondent No.1/petitioner. Whenever, general public is impleaded as party, then, anybody who has some objection with regard to transaction, the permission of which is being sought in the petition can come forward and file the objections. The learned Civil Court has ignored this fact and has also not taken into consideration the provisions of Section 22 of Hindu Succession of Act. So, by dismissing the application of the petitioner, the learned Additional Civil Judge (Senior Division), Bawal has not exercised the jurisdiction vested in the Court and has illegally declined the application.

9. Therefore, the present petition is allowed and present petitioners are allowed to raise their objections. The application of the petitioners would be heard and decided while deciding the petition for seeking permission to sell the share of the minor daughter filed by respondent No.1/petitioner.

10. Pending miscellaneous applications, if any, are also disposed of.

13th November, 2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No