

2025:PHHC:008015



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

CR-37-2025 (O&M)
Reserved on : 13.01.2025
Pronounced on : 21.01.2025

SUKHWINDER SINGH

....Petitioner

VERSUS

KARTAR SINGH (DECEASED) THR LRS AND ORSRespondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Aayush Gupta, Advocate for the petitioner.

ALKA SARIN, J.

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 07.11.2024 passed by the learned Civil Judge (Junior Division), Ludhiana whereby the applications filed by the plaintiff-petitioner herein under Order 1 Rule 10 CPC were dismissed.

2. Brief facts relevant to the present *lis* are that the plaintiff-petitioner herein filed a suit on 24.12.2019 for declaration to the effect that he is the owner to the extent of one-fourth share in land measuring 18 Bigha 01 Biswa and 09 Biswasi comprised in the Khasra number as fully described in the plaint situated at Village Daad, Tehsil and District Ludhiana on the basis of a Will dated 05.09.1992. Further declaration was sought regarding one-fourth share in the house constructed over land measuring 0 Bigha 03 Biswa and 08 Biswasi situated at Village Daad and further for joint possession of the house. Further the mutation entered in favour of Gurcharan Kaur @ Charan

Kaur was also challenged. Along with the plaint an application under Order 39 Rules 1 and 2 CPC was also filed for grant of *ad interim* injunction which was dismissed vide order dated 16.04.2021 passed by the Trial Court. Appeal preferred against the said order was also dismissed by the First Appellate Court vide order dated 18.08.2021. Revision petition being CR-2902-2021 was preferred by the plaintiff-petitioner which was disposed off vide order dated 28.02.2023 passed by this Court. Aggrieved by the order passed by this Court, the defendant-respondents preferred a Special Leave Petition being SLP (C) No.10175 of 2023 wherein the Hon'ble Supreme Court vide order dated 15.10.2024 observed as under :

'Since respondent(s)-plaintiff(s) are claiming right only on the one-fourth of the property which is presently not a part of the project, in case any third-party interests are created on that one-fourth of the property or any construction is made, the appellant(s)-defendant(s) shall inform the respondent(s)-plaintiff(s) as well as the Court concerned with two weeks prior notice/as early as possible'

Subsequent thereto an application was filed by the plaintiff-petitioner herein for impleading certain allottees as defendants No.21 to 37 in the suit. This was followed by a supplementary application for impleading defendants No.38 to 121 who were also the allottees. Vide the impugned order the applications were dismissed. Hence, the present revision petition by the plaintiff-petitioner.

3. Learned counsel for the plaintiff-petitioner would contend that the Trial Court has erred in dismissing the applications filed by the plaintiff-petitioners under Order 1 Rule 10 CPC. It is further the contention that the parties, who are now sought to be impleaded vide applications under Order 1 Rule 10 CPC, are necessary parties as their allotments are illegal, null and void.

4. Heard.

5. As noticed above, in the proceedings arising out of the application filed under Order 39 Rules 1 and 2 CPC the Hon'ble Supreme Court vide order dated 15.10.2024 held that since the plaintiff-petitioner was claiming a right only over one-fourth share of the property which was not part of the project, in case any third party rights are created on that one-fourth portion of the property or any construction is made thereupon, the defendant-respondents would inform the plaintiff-petitioner as well as the Court concerned with two weeks prior notice. Learned counsel for the plaintiff-petitioner has not been able to point out that the said allotments are out of that one-fourth share or that any of the allottees now sought to be impleaded as parties have been allotted any portion of the land out of the said one-fourth share of the property.

6. In view of the above, since the allottees, who admittedly have not been allotted any land on the property beyond the project, cannot be considered as necessary parties and hence no fault can be found with the impugned order passed by the Trial Court. The present revision petition, being

devoid of any merit, is accordingly dismissed. Pending applications, if any, also stand disposed off.

21.01.2025

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE : Whether speaking/non-speaking: Speaking
 Whether reportable: Yes/No*