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

CR-8520-2016 (O&M)

Date of Decision : 06.03.2026

Vijender Tanwar @ Birender

... Petitioner(s)

Versus

Raghuraj Singh & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. B.R. Rana, Advocate for the petitioner.

Mr. Naveen Jhajholia, Advocate for the respondents.

ALKA SARIN, J. (Oral)

1. The present revision petition has been preferred against the impugned order dated 22.11.2016 (Annexure P-1) whereby the application filed by the plaintiff-petitioner under Order 1 Rule 10 read with Order 6 Rule 17 of the Code of Civil Procedure, 1908 (CPC) for impleading Rajmanti widow of Karan Singh as proforma defendant No.16 was dismissed.

2. Briefly, the facts relevant to the present *lis* are that the plaintiff-petitioner herein filed a suit for possession by way of redemption of land measuring 33 kanals 19 marlas situated in the revenue estate of Village Bhiduki, Tehsil Hodal, District Palwal. It was averred in the plaint that the plaintiff-petitioner had purchased ownership rights vide a registered sale deed dated 31.07.2013 and, hence, had become owner/mortgagor of the suit land and had stepped into the shoes of the owner and now the plaintiff-petitioner wanted to redeem the land, hence, the suit for possession by way of redemption. At the stage of the defendant-respondents' evidence, an

application was filed by the plaintiff-petitioner under Order 1 Rule 10 read with Order 6 Rule 17 CPC to implead Rajmanti widow of Karan Singh as proforma defendant No.16. It was averred in the application that the total land mortgaged was 34 kanals 13 marlas out of which the plaintiff-petitioner was co-sharer to the extent of 33 kanals 19 marlas and the share of Rajmanti was 14 marlas. However, due to inadvertent/typographical omission, the same could not be included whereas equity of redemption requires that the entire land be included. The plaintiff-petitioner filed the present application stating that Rajmanti (proposed defendant No.16) was not available, hence, was being impleaded as proforma defendant No.16. He also sought amendments in para Nos.1 and 4A and infact by way of the amendments sought redemption of land measuring 34 kanals 13 marlas. Reply was filed to the said application and vide the impugned order dated 22.11.2016 the application was dismissed. Aggrieved by the same, the present revision petition was filed.

3. Learned counsel for the plaintiff-petitioner would contend that Rajmanti had also mortgaged her share and inadvertently the same was not mentioned in the plaint as she was not available at the time of filing of the plaint. It is further the contention that even now she was not available and therefore an application for impleading her as proforma defendant No.16 has been filed and an amendment had been sought now for redemption of total land measuring 34 kanals 13 marlas including 14 marlas belonging to Rajmanti.

4. *Per contra* the learned counsel for the respondents would contend that the said fact was well within the knowledge of the plaintiff-petitioner, however, the present application had been moved at the time of the defendant-respondents' evidence. It is further the contention of the learned

counsel that in the plaint there is not a word that the land had jointly been purchased by the plaintiff-petitioner and Rajmanti or that she was also a co-mortgagor. It is further the contention of the learned counsel that now at the stage of the defendant-respondents' evidence, a totally new case has been set up which cannot be permitted in law.

5. I have heard the learned counsel for the parties.

6. In the present case the reason stated in the application filed under Order 1 Rule 10 read with Order 6 Rule 17 CPC for impleading Rajmanti and carrying out the amendments is that inadvertently it could not be mentioned earlier that total land mortgaged was 34 kanals 13 marlas and that the share of Rajmanti to the extent of 14 marlas had not been mentioned. A perusal of the plaint reveals that in the original plaint there is not a whisper that Rajmanti was also a co-mortgagor. Infact, the only case set up by the plaintiff-petitioner was that he had purchased the ownership rights in 33 kanals 19 marlas of land as described in the plaint vide sale deed bearing Vasika No.2332 dated 31.07.2013 and had stepped into the shoes of the owner and that a mutation No.10950 had also been entered qua the said sale transaction. In the entire plaint there is no mention of the fact that Rajmanti was also a mortgagor or that she had also mortgaged 14 marlas of land. Even from the application filed under Order 1 Rule 10 read with Order 6 Rule 17 CPC, it is unclear as to whether Rajmanti had purchased the property alongwith the plaintiff-petitioner and how Rajmanti was a co-mortgagor in the property. Merely stating that inadvertently the said facts could not be mentioned in the plaint earlier cannot be considered as a good ground for allowing the application under Order 1 Rule 10 read with Order 6 Rule 17 CPC.

7. In view of the above, I do not find any merit in the present

revision petition. The same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

06.03.2026

Yogesh Sharma

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO