



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

(127)

CR-1147-2026

Date of Decision: **24.03.2026**

KAMLESH

... Petitioner

Versus

RAJWATI AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

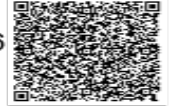
Present:- Mr. Arjun Atri, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The petitioner has instituted the present revision petition under the supervisory jurisdiction conferred upon this Court by Article 227 of the Constitution of India, assailing the order dated 04.11.2025 (Annexure P-1) passed by the learned Civil Judge (Junior Division), Hathin, whereby the application filed under Order I Rule 10 of the Code of Civil Procedure, 1908 ('CPC') by respondents No.2 to 6 for impleadment as parties-defendant was allowed.

1.1. The costs quantified at ₹10,000/-, as imposed by this Court vide order dated 26.02.2026, stands duly complied with. A photocopy of the receipt evidencing such deposit, tendered by the learned counsel for the petitioner, is taken on record.

2. The petitioner filed a suit seeking specific performance of an agreement to sell dated 24.04.2024 executed by defendant No.1 in favour of the plaintiff. As per the averments in the plaint, on 18.06.2024, a



Panchayat was convened in the presence of Mukesh, Sunita Devi, Partap son of Ami Chand, Rambir son of Krishan, Mahander son of Krishan, and Rajwati wife of Jeet Singh, wherein 1/4th share of the plot in question was allotted to Naresh son of Jeet Singh, adjoining the house of Ravi Dutt. It was further recorded in the Panchayat proceedings that if Naresh instituted any suit against the plaintiff, he would be bound to withdraw the same, and Naresh executed an affidavit dated 18.06.2024 to that effect. Defendant No.1 subsequently refused to execute the sale-deed, prompting the petitioner to institute the present suit.

2.1. Respondents No.2 to 6 thereafter filed an application seeking impleadment as parties to the suit. The learned Civil Judge, after considering the matter, allowed the application, prompting the petitioner to file the instant revision petition impugning the order.

3. Learned counsel for the petitioner contended that the applicants are neither owners nor in possession of the suit property and have no concern with the subject matter of the litigation. It was submitted that respondents No.2 to 6 are neither proper nor necessary parties, having concealed material facts from the Court, and that their application was filed in collusion with respondent No.1 with a view to defeat the petitioner's rights, title, and interest in the property.

3.1. It was further contended that the applicants claimed that the suit property originally belonged to Jeet Singh, husband of defendant No.1, father-in-law of respondent No.2, grandfather of respondents No.3 to 5, and father of respondent No.6. They contended that after the death of Jeet Singh, the property devolved upon his heirs, including the defendant



and the applicants, and that the agreement to sell executed by defendant No.1 in favour of the petitioner purportedly covered the entirety of the property, thereby affecting the rights of the other legal heirs. The petitioner challenged the correctness of the learned Civil Judge's conclusion that the applicants are legal heirs whose shares in the estate would directly impact title to the suit property.

4. Learned counsel for the petitioner further contended that any compromise alleged to have been reached during the Panchayat proceedings, or any purported authority of Mukesh Kumar to enter into an agreement on behalf of other heirs, were disputed questions of fact, which were to be adjudicated during the course of trial.

4.1. It is evident from the record that the petitioner-plaintiff claims specific performance of an agreement to sell covering the entire suit property, in which the respondents-applicants assert rights, title, or interest. Even if the respondents-applicants are not strictly necessary parties, they are proper parties, as their presence is essential for a complete and final adjudication of the issues relating to ownership of the suit property and the competence of defendant No.1 to execute the agreement.

4.2. Reliance in this regard is placed upon the law laid down by the Hon'ble Apex Court in ***Mumbai International Airport Pvt. Ltd. vs. Regency Convention Centre & Hotels Pvt. Ltd. & Ors.***, AIR 2010 SC 3109, wherein it was held that "only the parties to the contract or any legal representative of the party to the contract or a transferee from a party to the contract are necessary parties," and in ***State of Assam vs. Union of India***, 2010 (10) SCC 408, which held that a necessary party is one



without whom no effective order can be passed, whereas a proper party is one whose presence is necessary to render a complete and final decision.

4.3. In the light of the foregoing, the learned Civil Judge rightly exercised jurisdiction in impleading respondents No.2 to 6 as proper parties as they are alleging right, title and interest in suit property which defendant No.1 has allegedly agreed to sell in favour of petitioner/plaintiff. No illegality, arbitrariness, or impropriety is discernible in the impugned order.

5. Accordingly, the present revision petition is dismissed.

6. It is, however, clarified that the observations recorded here-in-above are confined solely to the adjudication of the issue of impleadment of parties and shall not be construed as an expression of opinion on the merits of the underlying dispute. Nothing contained in this order shall prejudice or influence the rights, claims, or contentions of the parties in any other proceedings, nor shall it be treated as a determination of any substantive question of fact or law in the main matter.

7. Consequent upon the disposal of the principal matter, all pending miscellaneous applications, if any, arising out of or in connection with the present proceedings, are deemed disposed of by necessary implication. No further orders are required in this regard.

24.03.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No