



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

**203**

**CR-906-2023**

**Date of Decision: 28.04.2026**

**KRISHNA DEVI**

....Petitioner

V/s

**BRIJ LAL AND ANR**

....Respondents

**CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Vikram Singh, Advocate and  
Mr. Abhinav Sood, Advocate  
for the petitioner.

Mr. Omkar Chauhan, Advocate and  
Mr. Rajesh Kumar Jangra, Advocate  
for respondent No.1.

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**VIKRAM AGGARWAL, J. (ORAL)**

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 12.01.2023 (Annexure P-5) passed by the Court of Additional Civil Judge (Senior Division), Kaithal vide which the application moved by the petitioner (Krishna Devi) under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (for short 'CPC) for being impleaded as defendant No.2 in Civil Suit (Annexure P-1) titled as 'Brij Lal Vs. Lehna', was dismissed.

2. The facts, as emanating from revision petition are that a suit (Annexure P-1) was instituted by the respondent No.1/plaintiff (Brij Lal) (hereinafter referred to as the respondent) against one Lehna, seeking possession of a plot measuring 225 sq. yards (fully described in the plaint) situated within the revenue estate of Patti Gaddar, Karnal Road, Kaithal (hereinafter referred to as the suit property).

from one Kuldeep Singh, vide registered sale deed dated 16.11.2005. The said Kuldeep Singh is stated to have delivered the possession of the suit property to the respondent. Mutation dated 02.08.2011 was also sanctioned and incorporated. The respondent claimed that having obtained possession of the suit property, he filled up its foundation and also carried out earth work.

2.2 It was claimed that Lehna had encroached upon the suit property and had started construction with the help of some unsocial elements. When the respondent acquired knowledge of the same on 16.02.2015, he requested Lehna not to do so but he did not accede to his request.

2.3 The matter was reported to the police on 16.02.2015 itself. However, no action was taken. A Panchayat was also convened which also did not yield any result. As a result, the suit was instituted.

3. Lehna opposed the suit by way of a written statement (Annexure P-2) in which he took the stand that one Surjeet was the owner in possession of land measuring 5 Kanal 18 Marlas. This land was sold by the said Surjeet vide sale deed dated 23.07.2012 to one Jiwan Ram and physical possession was also delivered. Jiwan Ram then carved out 14 plots. He entered into an agreement to sell with one Randhir Singh and received the entire sale consideration. Possession was delivered to the said Randhir Singh. Lehna purchased the plot from Randhir Singh vide agreement dated 10.06.2013. Physical possession is stated to have been delivered to Lehna.

3.1 It was claimed that after purchasing the plot, Lehna had raised construction over the same. It was accordingly claimed that the respondent had no right over the suit property.

4. During the pendency of the suit, an application under Order 1 Rule 10 CPC was moved by the petitioner (Krishna Devi) who is the wife of Lehna seeking to be impleaded as a party defendant. She claimed to have purchased the suit property along with some other adjoining land vide

registered sale deed dated 04.12.2018 executed by Jiwan Ram in her favour.

5. The application was opposed by way of a reply (Annexure P-4). It was averred that the sale deed dated 04.12.2018 showed that the petitioner had purchased a constructed house from Jiwan Ram, whereas it was the case of Lehna that he had purchased an open plot vide agreement to sell dated 10.06.2013. It was averred that the applicant may have become owner of some independent land by way of registered sale deed dated 04.12.2018. It was averred that the Court could not decide the question of possession of a third party. Accordingly, dismissal of the application was prayed for.

6. I have heard learned counsel for the parties.

7. Learned counsel for the petitioner has strenuously urged that the trial Court erred in dismissing the application filed by the petitioner for being impleaded as a party defendant. It has been argued that the husband of the petitioner namely Lehna was only basing his claim upon an agreement to sell, whereas the claim of the applicant was based upon a registered sale deed qua the suit property and, therefore, she was a necessary party to the *lis*. Learned counsel submits that in view of the same, the application should have been allowed. Learned counsel also submits that since the suit property has been purchased by the petitioner, even if the suit of the respondent is decreed, he will not be able to seek possession of the suit property since it is now in possession of the petitioner. In support of his contentions, learned counsel has placed reliance upon a judgment of the Supreme Court of India in the case '***M/s J N Real Estate versus Shailendra Pradhan & ors. (Civil Appeal Nos.5405-5406 of 2025 @ Special Leave Petition (C) Nos.12205-12206/2024***'), 2025 Live Law (SC) 519.

8. *Per contra*, learned counsel for the respondent has submitted that there is no illegality or irregularity in the impugned order warranting interference. It has been argued that whereas the applicant claims to have purchased the suit property by way of a registered sale deed dated

moved in 2021 only with a view to delay the decision of the suit as the suit was fixed for rebuttal evidence and arguments. Learned counsel submits that the petitioner is neither a necessary nor a proper party and, therefore, under the circumstances, the trial Court did not commit any illegality in dismissing the application.

9. I have considered the submissions made by learned counsel for the parties.

10. The respondent instituted the suit for possession against Lehna, stating that he had forcibly occupied the suit property. The case of the applicant is that she purchased the suit property by way of registered sale deed dated 04.12.2018. The question to be decided by the Court would be as to whether Lehna had forcibly occupied the suit property and if it is found to be so, the suit would be decreed.

11. The stand taken by the petitioner that she had purchased the suit property by way of registered sale deed dated 04.12.2018 appears to be a ploy to delay the decision of the suit. The application was filed nearly three years after the execution of the sale deed for which the petitioner has no explanation to offer. Still further, the petitioner should not be bothered about the fact as to whether the respondent will be able to secure possession or not. As noticed by the trial Court, the possession of a third party cannot be decided in the suit in question. Still further the intention of the petitioner becomes quite apparent on account of the sole fact that the application was moved three years after the execution of the sale deed. Whether the land being referred to by the petitioner is the same as the suit land is also not known and it is not for the Court to decide the same in the suit in question.

12. Under the circumstances, the trial Court committed no illegality or irregularity in rejecting the application. The judgment relied upon by learned counsel for the petitioner would not come to the aid of the petitioner as the said judgment was in a suit for specific performance. Even otherwise,

kind of averments which have been made in the application.

13. That being so, the instant revision petition is found to be devoid of merit and is accordingly dismissed.

14. Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)  
JUDGE

April 28, 2026  
*Mani Kumar*

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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |