



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

119

CR-1251-2026

Date of decision: 12.03.2026

SUKHWINDER KAUR @ SHINDO AND OTHERS Petitioners

Versus

GURMIT SINGH AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. V.K. Shukla, Advocate and
 Mr. Ashish Gupta, Advocate for the petitioners.

YASHVIR SINGH RATHOR. J.(Oral)

1. This revision petition has been instituted under Article 227 of the Constitution of India against the order dated 06.11.2025 (Annexure P-1) passed by Civil Judge, Junior Division, Moga in Civil Suit No.1836 of 2022, titled Sukhwinder Kaur and Ors. Vs. Gurmit Singh and Ors., vide which application under Order 1 Rule 10 CPC moved by respondent-Gurpinder Kaur for impleading her as defendant has been allowed.

2. I have heard learned counsel for the petitioners and have gone through the material placed on the file.

3. Learned counsel for the petitioners contended that respondent No.5 namely Gurpinder Kaur has purchased the suit property from defendant No.1 during pendency of the suit. The suit in question has been instituted by the



plaintiffs-petitioners seeking declaration to the effect that plaintiffs and proforma defendants are owners in joint possession of the suit property in equal shares, as the same is ancestral, coparcenary, joint Hindu Family property in their hands. Learned counsel further contended that since the transfer of the suit property by defendant No.1 in favour of Gurbinder Kaur has been made during the pendency of the suit and without permission of the Court, the same will be hit by doctrine of *lis pendens* and such a transferee is not entitled to be impleaded as a party to the suit as of right but learned trial Court has wrongly allowed the application and he prayed that the impugned order be set aside. In support of his contentions, learned counsel has relied upon the judgment passed by Hon'ble Supreme Court in Law Finder Doc Id # 65253 '***Bibi Zubaida Khatoon versus Nabi Hassan Saheb and Anr.***', and '***Amitchand Aggarwal versus Nabi Hasan***'.

4. However, I do not find any force in the contentions raised by learned counsel for the petitioners and the case law cited by him is not at all applicable to the facts of the case in hand.

5. Hon'ble Supreme Court in 2025(3) RCR (Civil) 176, ***Sulthan Said Ibrahim versus Prakasan & Ors.*** has explained the scope of Order 1 Rule 10(2) as under:

"45. The power to strike out or add parties under Sub-rule (2) can be exercised by the court on an application made by the parties before it, or upon an application by a third party who desires to be added as a party, or even suo motu. Explaining the object underlying Order I Rule 10, this Court in Ramesh Hirachand Kundanmal v. Municipal Corpn. Of Greater Bombay reported in (1992) 2 SCC 524 observed thus:

'6. Sub-rule (2) of Rule 10 gives a wide discretion to the Court



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to meet every case of defect of parties and is not affected by the inaction of the plaintiff to bring the necessary parties on record. The question of impleadment of a party has to be decided on the touchstone of Order 1 Rule 10 which provides that only a necessary or a proper party may be added. A necessary party is one without whom no order can be made effectively. A proper party is one in whose absence an effective order can be made but whose presence is necessary for a complete and final decision on the question involved in the proceeding. The addition of parties is generally not a question of initial jurisdiction of the Court but of a judicial discretion which has to be exercised in view of all the facts and circumstances of a particular case.

6. Order 1 Rule 10 of the Civil Procedure Code (CPC), 1908, thus empowers courts to add, substitute, or strike out parties to a suit at any stage to ensure necessary parties are present for complete adjudication. Under sub-rule (1), if a suit is filed by the wrong person as plaintiff or if there is uncertainty regarding the correct plaintiff, the Court may substitute or add the right person, provided the mistake was made in good faith and the change is essential to determining the real matter in dispute. At any stage of the legal process, under sub-rule (2), the Court has the power, either on its own or through an application, to remove the name of any party who was improperly included or to add any person who should have been joined or whose presence is necessary for a final adjudication of all issues. In simple words, it provides for the addition of necessary and proper parties as well as the removal of any unnecessary or improper party. A necessary party is one without whom no effective decree can be passed, while a proper party is one whose presence is required for complete adjudication.



7. Suit in hand has been instituted by the plaintiffs for declaration to the effect that plaintiffs alongwith proforma defendants are the owners in possession of the suit property which is ancestral, coparcenary, joint Hindu Family property in their hands. The suit is still at initial stage and defendant No.1 has filed his written statement. However, during pendency of the suit, said Gurbinder Kaur has purchased some share in the suit property from defendant No.1, and thereafter, she moved an application for impleading her as defendant, which has been allowed. Learned trial Court while allowing the application has relied upon law laid down by the Hon'ble Supreme Court in 2024(3) CCC 598, titled ***Yogesh Goyanka Vs. Govind and Ors.***, in which it has been held that merely because a registered sale deed was executed during the pendency of the suit does not automatically render it null and void and in such a case, the purchaser should be allowed to be added as a defendant in the suit. ***Amichand Aggarwal's case (supra)*** relied upon by learned counsel for the petitioners is not applicable to the facts of the case in hand as the purchaser of the property/transferee had moved the application for impleading him after several years and at the fag end of the litigation and it was held that he should not be allowed to be impleaded, whereas, in the present case, the suit is still at initial stage. As such, no prejudice will be caused to the plaintiffs in case the purchaser namely Gurbinder Kaur is allowed to be impleaded as a defendant, as she will merely step into the shoes of her vendor and her presence is essential for complete adjudication of the suit. Learned trial Court has thus not committed any manifest error or material illegality while allowing the application and petition in hand deserves to be dismissed.

8. However, it is made clear that once Gurbinder Kaur has been added



as a defendant, trial Court shall pass a necessary order as to whether she is entitled to file a separate written statement or not or she will be bound by the contents of the written statement already filed by defendant No.1 having stepped into the shoes of her vendor.

9. With the aforesaid observations, the petition in hand is ordered to be dismissed.

12.03.2026
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No