



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(128)

CR No. 2634 of 2026 (O&M)

Date of Decision : 24.03.2026

Barinder Singh @ Barinder Singh Rana and another

...Petitioners

Versus

Gursharan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Vishal Sharda, Advocate for the petitioners.

Mr. Pulkit Arora, Advocate
for respondents No. 5 to 9/Caveator.

Amarinder Singh Grewal, J. (Oral)

1. The present civil revision petition has been filed under Article 227 of the Constitution of India for setting-aside the impugned order dated 12.02.2026 (Annexure P-1) passed by learned Civil Judge (Jr. Divn.), Karnal, whereby the application filed by respondents No. 5 to 9 under Order 1 Rule 10 read with Section 151 CPC for impleading them as party-defendants has been allowed and further prayed that the impugned order dated 12.02.2026 may kindly be stayed.

2. Briefly stated, petitioner Barinder Singh and his wife Amrit Kaur instituted a civil suit seeking declaration, recovery and mandatory injunction with consequential relief of permanent injunction against respondent-Gursharan Singh and others in respect of House No. 305-R, Model Town, Karnal on the basis of a Memorandum of Understanding dated



21.01.2015 executed between the parties. As per the said Memorandum of Understanding, it was agreed that the present petitioners and respondent No. 1 were required to relinquish their possession and ownership rights in Plot No. 306-L, Model Town, Karnal in favour of respondents No. 2 and 3 and in lieu thereof, respondents No. 2 and 3 were required to relinquish their ownership rights in House No. 305-R (First Floor), Model Town, Karnal in favour of the petitioners.

3. From the Memorandum of Understanding dated 21.01.2015, it can be manifested that the disputes relate to Plot No. 306-L and House No. 305-R. It is further an admitted position that Manmohan Singh, father of respondents No. 5 to 9 had instituted a civil suit in respect of Plot No. 306-L, which is still pending adjudication. The petitioners themselves in para 2 of the plaint, have referred to the said property as part of joint family property, which was previously in the name of Manmohan Singh and according to family settlement, this Plot came to the share of the family of Gursharan Singh (respondent No. 1) but Manmohan Singh filed civil suit claiming his ownership rights over this Plot and the parties to the present suit i.e. plaintiff No. 1 Barinder Singh and defendant No. 1 Gursharan Singh and defendant No. 2 contested the claim of Manmohan Singh with regard to this Plot No. 306-L, Model Town, Karnal and according to family settlement, this Plot had come to the share of the family of Gursharan Singh as such, he has no right, title or interest in the suit property.

4. Thereafter, Manmohan Singh had expired leaving behind his legal heirs, namely, Daljit Kaur, Tarandeep Singh, Gurkirat Singh, Sumit Kaur and Sukhmeet Kaur but the petitioners never arrayed Daljit Kaur,



Tarandeep Singh, Gurkirat Singh, Sumit Kaur and Sukhmeet Kaur as party in their suit hence, legal heirs of deceased Manmohan Singh moved an application under Order 1 Rule 10 CPC for impleading them as a party defendants-respondents. The said application was contested by the petitioners and the learned Civil Judge (Jr. Divn.), Karnal after hearing respective counsel for the parties, allowed the said application by holding that their presence is necessary for effective and complete adjudication of the issues involved and to avoid multiplicity of proceedings.

5. Learned counsel for the petitioners has contended that as per the family settlement, the parties had mutually settled their rights in respect of certain family properties including property bearing No. 305-R, Model Town, Karnal. It was also agreed that after the conclusion of the then pending litigation relating to another property bearing No. 306-L, the original defendants would transfer property No. 305-R in favour of the petitioners and relinquish their rights therein. It has further contended that however, original defendants failed to honour the said settlement, which necessitated the filing of the present suit by the petitioners. It has further submitted that during the pendency of the suit, respondents No. 5 to 9 filed the application under Order 1 Rule 10 CPC seeking impleadment on the ground that they allegedly claim certain rights in property bearing No. 306-L.

6. Furthermore, learned counsel for the petitioners has contended that the learned trial Court arbitrarily and illegally allowed the application for impleadment of respondents No. 5 to 9 as party-defendants by ignoring the facts of the case that suit property is with respect to rights of property



bearing No. 305-R and not Plot No. 306-L. Thus, it is submitted that the impugned order dated 12.02.2026 (Annexure P-1) be set-aside as respondents No. 5 to 9 have no connection with the property bearing No. 306-L.

7. Notice of motion.

8. Mr. Pulkit Arora, Advocate appears and accepts notice on behalf of respondents No. 5 to 9.

9. To the contrary, learned counsel for the respondents has contended that respondents No. 5 to 9 are the legal heirs of Manmohan Singh and Manmohan Singh filed civil suit against Gursharan Singh regarding Plot No. 306-L, Model Town, Karnal and the matter is still pending. It is further contended that since this dispute is regarding Plot No. 306-L and House No. 305-R, in view of the Memorandum of Understanding dated 21.01.2015, therefore, respondents No. 5 to 9 are necessary party for the proper adjudication of the case so filed by the present petitioners and the learned Civil Judge (Jr. Divn.), Karnal has rightly allowed the application so filed by the respondents No. 5 to 9.

10. I have heard learned counsel for the parties and have gone through the record with their able assistance.

11. On hearing the above submissions of respective counsel for the parties, Order 1 Rule 10(2) CPC states that a Court may at any stage of the proceedings either upon or even without any application and on as such terms as may appear it to be just, direct that the name of any party improperly joined, whether as plaintiff or defendant be struck out and that the name of any person who ought to have been joined, whether as plaintiff



or defendant or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

12. The above said provisions apparently makes it clear that the Court at any stage of the proceedings (including suits for specific performance) either upon or even without any application and on such terms as may appear to it to be just direct that any of the following persons may be added as party : (a) any person who ought to have been joined as plaintiff or defendant, but no added; or (b) any person whose presence before the court may be necessary in order to enable the court to effectively and completely adjudicate upon and settle the questions involved in the suit.

13. In the present case, the petitioners themselves have found their claim on the Memorandum of Understanding dated 21.01.2015, which admittedly pertains to both Plot No. 306-L and House No. 305-R. The rights in respect of House No. 305-R are stated to flow from the relinquishment of rights in Plot No. 306-L. Therefore, the dispute regarding Plot No. 306-L is not only connected but forms the substratum of the present controversy.

14. Moreover, since the litigation concerning Plot No. 306-L initiated by Manmohan Singh is still pending and respondents No. 5 to 9 are his legal heirs, their presence in the present proceedings is necessary to avoid conflicting decisions and multiplicity of litigation. Any adjudication in their absence may lead to incomplete and ineffective determination of rights.

15. The learned trial Court has, thus, exercised its jurisdiction in accordance with law while allowing the application for impleadment, and no illegality or perversity has been pointed out which may warrant interference



by this Court in exercise of its supervisory jurisdiction under Article 227 of the Constitution of India.

16. In view of the foregoing discussion, no ground is made out for interference with the well-reasoned impugned order dated 12.02.2026 (Annexure P-1).

17. Accordingly, the present civil revision petition is dismissed.

18. Pending applications, if any, also stand disposed of.

March 24, 2026
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(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No