



270

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

CR-5008-2023 (O&M)

Date of Decision : 16.01.2026

Kulwinder Singh @ Kulwinder Pal Singh

... Petitioner(s)

Versus

Paramjit Singh (deceased) through LRs & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gopal Singh Nahel, Advocate for the petitioner.

Mr. S.S. Salar, Advocate for respondent Nos.1 to 12.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the impugned order 04.07.2023 (Annexure P-5) whereby the application filed by the petitioner under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (CPC) for being impleaded as a necessary party i.e. defendant has been dismissed.

2. Learned counsel for the petitioner would contend that the plaintiff-respondent Nos.1 to 12 had filed a suit for possession on the ground that the property was illegally encroached by the defendant-respondent No.13 herein. Learned counsel would further contend that the demarcation report dated 21/22.05.2019 got done by the Gram Panchayat (defendant-respondent No.13 herein) is the basis of the suit filed by the plaintiff-respondent Nos.1 to 12 and in the said demarcation report the petitioner herein has also been shown as one of the alleged encroachers at Sr. No.4 i.e. Kulwinder Singh son of Jagannath, hence, it is pleaded that he is a necessary and proper party.

3. Learned counsel for the plaintiff-respondent Nos.1 to 12 is not in a position to deny that the suit has been filed on the basis of the demarcation report in which the petitioner has also been reflected as one of the alleged encroachers.

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

5. In the present case the basis of the suit is the demarcation report which has been appended with the present petition as Annexure P-2 and in the said demarcation report the petitioner has also been shown as one of the alleged encroachers at Sr. No.4 i.e. Kulwinder Singh son of Jagannath. Learned counsel for the plaintiff-respondent Nos.1 to 12 is not in a position to deny that the entire suit is based on the demarcation report (Annexure P-2) and the petitioner is also reflected as one of the alleged encroachers in the said demarcation report. In view of the fact that the relief is also being claimed against the petitioner herein, he would be a necessary and proper party.

6. In view of the above, the present revision petition is allowed and the impugned order dated 04.07.2023 (Annexure P-5) is set aside. Accordingly, the application under Order 1 Rule 10 of CPC for impleading the petitioner as a defendant stands allowed.

7. Pending applications, if any, also stand disposed off.

8. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

16.01.2026
Yogesh Sharma

(ALKA SARIN)
JUDGE

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