



CR-4915-2025

-1-

121

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

CR-4915-2025

Date of Decision: 30.07.2025

Tersem Singh

.....Petitioner

Vs.

Radha Soami Satsang Beas and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Balbir Singh Jaswal, Advocate,
for the petitioner.

SUDEEPTI SHARMA J. (ORAL)

1. Challenge in the present petition is to the impugned order dated 03.07.2025 passed by the learned Additional Civil Judge (Senior Division), Baba Bakala Sahib, whereby, the application filed under Order 1 Rule 10 of the Code of Civil Procedure, 1908, (for short, 'CPC') and Order 6 Rule 17 CPC by the plaintiff/respondent No.1 seeking necessary permission to implead one Prem Singh as defendant and to amend the head note of the plaint as well as the plaint, was allowed.

2. Learned counsel for the petitioner contends that the learned Additional Civil Judge (Senior Division), Baba Bakala Sahib, vide its impugned order dated 03.07.2025, has wrongly allowed the application filed under Order 1 Rule 10 CPC and Order 6 Rule 17 CPC by the plaintiff/respondent No.1. He further contends that the learned trial Court



CR-4915-2025

-2-

failed to appreciate the fact that the suit was filed in the year 2021 and the issues are already framed, whereas, the above application is filed in the year 2025. He has relied upon judgments passed by Hon'ble the Supreme Court in **Vasant Balu Patil and others Vs. Mohan Hirachand Shah and others, 2016(1) RCR (Civil) 594, Rajpal Singh Vs. Saroj (Deceased) through LRs and another, 2022(3) RCR (Civil) 57** and judgments passed by Hon'ble Madhya Pradesh High Court in **Mst. Gujariya and others Vs. Mst. Dashmatiya and others, 2018 AIR CC 2857** and **Indrabhan and others Vs. Maanwati and others, 2017 AIR CC 2599**. Hence, he prays that the petition be allowed.

3. I have heard learned counsel for the petitioner and perused the case file with his able assistance.

4. A perusal of the file shows that in the application filed by respondent No.1, it is averred that sale deed dated 31.12.2008, which is a subject matter of suit land, was executed by late Sant Jagtar Dass in favour of petitioner-Tarsem Singh and his brother Prem Singh and therefore, Prem Singh is one of the necessary parties to be impleaded as defendant.

5. The relevant portion of the impugned order dated 03.07.2025 passed by the learned Additional Civil Judge (Senior Division), Baba Bakala Sahib, is reproduced as under:-

“5. Heard both the parties and perused the file carefully. The amendments sought by the applicant/plaintiff aims at impleading Prem Singh as



defendant No.5 in the present case. The contention of the learned counsel for the respondents No.1 and 3 that applicant was already in knowledge regarding the non-impleadment of Prem Singh and he has filed the present application just to delay the matter. There may be a chance that applicant was having knowledge regarding the non impleadment of Prem Singh in the present case, but amendment sought by the applicant will not change the nature of the suit nor shall prejudice the respondents/defendants in any manner. Most importantly, the sought amendment is necessary for the just adjudication of the present case. Thus, keeping in view the discussion made above, the present application in hand stands allowed. However, as delay has been caused by applicant, by filing the present application, so, applicant is burdened with cost of Rs.15,000/- to be deposited in the DLSA.”

6. A perusal of the impugned order as well as the documents annexed with the petition shows that the petitioner himself in the petition as well as in his written statement (Annexure P-3) admitted that he alongwith another has purchased the land in dispute vide sale deed dated 31.12.2008 from one Jagtar Dass. Therefore, Prem Singh (brother of the petitioner) being purchaser of the land in dispute is a necessary party to the *lis*. The application under Order 1 Rule 10 CPC and Order 6 Rule 17 CPC was moved for impleadment of brother of the petitioner/defendant-Tarsem Singh namely Prem Singh, who is a necessary party for adjudication of the suit as



CR-4915-2025

-4-

well as for amendment in the plaint. It is rightly held by the learned Additional Civil Judge (Senior Division), Baba Bakala Sahib that the impleadment of Prem Singh as defendant No.5 in the suit and consequent amendment would not change the nature of the suit since Prem Singh, who was impleaded as party is a person in whose favour the sale deed dated 31.12.2008 was executed by Sant Jagtar Dass.

7. So far as the above referred to judgments cited by learned counsel for the petitioner are concerned, the same would not be of any help to the petitioner since the facts and circumstances of the present case are distinguishable.

8. In view of the above, I do not find any illegality or infirmity in the impugned order dated 03.07.2025 passed by the learned Additional Civil Judge (Senior Division), Baba Bakala Sahib and the same does not warrant any interference by this Court. Consequently, the present petition is hereby **dismissed** and the impugned order dated 03.07.2025 is accordingly upheld.

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

(SUDEEPTI SHARMA)
JUDGE

30.07.2025

Virender

Whether speaking/non-speaking : Yes
Whether reportable : Yes/No