



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

130

**CR-4490-2025**

**Date of Decision:** July 21, 2025

**Surajbhan and another**

**.....Petitioners**

**Vs.**

**Khajani and others**

**.....Respondents**

**CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. L.K. Gollen, Advocate  
for the petitioners.

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**SUDEEPTI SHARMA J. (ORAL)**

Challenge in this Civil Revision is for setting aside the impugned order dated 19.05.2025 (Annexure P-5), passed by learned Additional Civil Judge (Senior Division), Rewari, whereby the application under Order 1 Rule 10 of Civil Procedure Code, 1908 (Annexure P-3) for impleading respondents No.5 to 7 as defendants in a case bearing No.CS-933-2021 was allowed.

2. Learned counsel for the petitioners contends that in the plaint, the petitioners have specifically excluded the area of respondents No.5 to 7, still learned Additional Civil Judge (Senior Division), Rewari, vide impugned order dated 19.05.2025 has allowed the application and impleaded respondents No.5 to 7 as a party-defendants.

3. I have heard learned counsel for the petitioners and perused the impugned order dated 19.05.2025 (Annexure P-5), the relevant portion of the same is reproduced as under:-



6. *The test for determining whether a party is necessary or proper under Order 1 Rule 10 CPC is well settled. A person is a necessary party if in his absence no effective decree can be passed by the Court, and a proper party is one whose presence enables the Court to completely, effectively and adequately adjudicate upon the issues involved. The Hon'ble Supreme Court in **Mumbai International Airport Pvt. Ltd. v Regency Convention Centre & Hotels Pvt. Ltd. [(2010) 7 SCC 417]** and again in **Gurmit Singh Bhatia v. Kiran Kant Robinson [2023 SCC OnLine SC 1046]**, has reiterated this principle.*

7. *In the present case, it is evident from the record that the applicants have established their title over specific shares in Khewat Nos. 52 and 53 as per the Jamabandi of 2018-19. Their names stand recorded as co-sharers and they are seeking to exercise rights over their respective holdings, which they claim have been wrongly included in the present suit by the plaintiffs. Due to the blanket nature of the stay order dated 12.10.2021, the statutory rights of the applicants under revenue law and transfer of property are admittedly being adversely affected, without being heard in the matter.*

8. *The fact that no specific relief has been claimed against the applicants is not, by itself, determinative of the issue. When the outcome of the suit has a direct bearing on the applicant's legal rights and the lis involves property which they claim ownership over, their impleadment becomes essential to avoid multiplicity of litigation and to protect their interests in accordance with the principles of natural justice.*

9. *In the considered opinion of this Court, the applicants do have a substantial and direct interest in the suit property. Their presence is, therefore, necessary for an effective and complete adjudication of the issues involved in the present suit, and to ensure that no*



*prejudice is caused to them without affording an opportunity of hearing.”*

4. A perusal of the above shows that learned Additional Civil Judge (Senior Division), Rewari, has passed a well reasoned order, which calls for no interference by this Court.
5. In view of the above, the present Civil Revision is dismissed.
6. Pending application(s), if any, also stand disposed of.

**(SUDEEPTI SHARMA)**  
**JUDGE**

July 21, 2025  
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Whether speaking/reasoned: Yes / No  
Whether reportable: Yes / No