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

**CR-3714-2022 (O&M)
Date of Decision: 25.09.2025**

Barinder Singh

...Petitioner

VERSUS

Gursharan Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. Ashwani Talwar, Advocate
for the petitioner.

Mr. Naveen Daryal, Advocate
for respondents No.1 to 3.

Mr. Rajesh K. Dhiman, Advocate
for respondent No.4.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to an order dated 04.08.2022 passed by the learned Additional Civil Judge, (Senior Division), Karnal, whereby an application preferred at the instance of respondent No.4 having invoked Order 1 Rule 10 CPC for seeking her impleadment in the suit for declaration, recovery and mandatory injunction with a consequential relief of permanent injunction, stands allowed.

2. Briefly stating, based on an alleged Memorandum of Understanding (for short 'the MoU') dated 21.01.2015, entered into between plaintiff No.1; defendants No.1 and 2 with respect to the self-acquired properties owned by defendant No.1/ respondent No.1



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(hereinafter referred to as 'respondent No.1'), suit was filed by plaintiff No.1 and his wife for its enforcement. Plaintiff No.1/petitioner (hereinafter referred to as 'the petitioner') and defendant No.2/respondent No.2 (hereinafter referred to as 'respondent No.2') happen to be sons of respondent No.1. During the pendency of proceedings, respondent No.4, who happens to be the daughter of respondent No.1 and sister of petitioner as well as respondent No.2, moved an application under Order 1 Rule 10 CPC with a prayer for her impleadment as one of the defendants. The said application was though opposed at the instance of petitioner, however, the same was allowed by the learned trial Court vide order dated 04.08.2022 and hence the present revision petition.

3. Impugning the aforementioned order, learned counsel for the petitioner submits that once the father/ respondent No.1 was defending the suit relating to his self-acquired property, then respondent No.4 who happens to be the sister of petitioner, was neither necessary; nor even proper party as regards adjudication of the validity of MoU dated 21.01.2015. Learned counsel also argues that even otherwise, respondent No.4/ defendant No.4, in case was not impleaded as party, any judgment and decree passed in the present suit was not going to be binding on her rights qua the estate of respondent No.1 and thus the impugned order passed by the learned trial Court was liable to be set aside.

4. On the other hand, learned counsel appearing on behalf



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of respondent No.4 submits that since the dispute in the suit related to the self-acquired property of respondent No.1, thus respondent No.4 being her daughter, was a necessary party for complete and effective adjudication of the *lis*. Learned counsel thus submits that the impugned order calls for no interference.

5. I have heard learned counsel for the parties and gone through the paper-book.

6. In the facts and circumstances of the present case, the dispute relates to the self-acquired property owned by respondent No.1, qua which declaration, recovery and mandatory injunction alongwith consequential relief of permanent injunction has been claimed by petitioner on the basis of MoU dated 21.01.2015; whereby he has been conferred certain rights in the estate of respondent No.1.

7. In the written statement filed before the learned trial Court, respondent No.1/ defendant No.1 has disputed the factum of execution of MoU. In such circumstances, respondent No.4 being her daughter, though may not be having any vested right in the estate of her father- respondent No.1/ defendant No.1 at this stage during the life time of her father, yet definitely was having some semblance of interest in the suit property being daughter. Thus, her presence would be necessary for complete and effective adjudication of the *lis* and also for passing of an effective decree in the suit.

8. In view of the above, there being no jurisdictional error in



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the reasoning recorded by the trial Court, the impugned order dated 04.08.2022 calls for interference.

9. Consequently, the present revision is dismissed.

10. Pending misc. application(s), if any, shall also stand disposed of.

25.09.2025
sanjay

**(HARKESH MANUJA)
JUDGE**

Whether speaking/reasoned ?	Yes/No
Whether Reportable ?	Yes/No