



127 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2016-2024 (O&M)

Date of decision : 06.05.2025

Smt. Kuljeet Kaur

...Petitioner

Vs.

Gurdev Singh

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gagandeep Singh Virk, Advocate
for the petitioner.

Mr. H.S. Batth, Advocate
for the respondent.

ANIL KSHETARPAL, J. (Oral)

1. The petitioner herein is a defendant in a suit filed by her father-in-law-Sh. Gurdev Singh, seeking decree of possession of a house.
2. The petitioner filed an application under Order I Rule 10 of the Code of Civil Procedure, 1908 to implead her husband-Sh. Satwinder Singh as defendant, which has been dismissed by the trial Court on the ground that he is not a necessary party.
3. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.
4. Learned counsel representing the petitioner while relying upon the observations made by the Supreme Court in para 119 of 'Satish Chander Ahuja vs. Sneha Ahuja', 2020(4) RCR (Criminal) 745 submits that the petitioner's husband may not be a necessary party but he is nevertheless a



proper party.

5. *Per contra*, learned counsel representing the respondent while relying upon the judgment passed by the Supreme Court in '**Sudhamayee Pattnaik and others vs. Bibhu Prasad Sahoo and others**', **Civil Appeal No. 6370 of 2022 decided on 16.09.2022** submits that the plaintiff is the master of the suit.

6. The observations made by the Supreme Court in para 119 reads as under:-

"119. There can be no dispute with the preposition of law as laid down by this Court in the above two cases. In the present case, although plaintiff has not claimed any relief against his son, Raveen Ahuja, the husband of the respondent, hence, he was not a necessary party but in view of the fact that respondent has pleaded her right of residence in shared household relying on Sections 17 and 19 of the Act, 2005 and one of the rights which can be granted under Section 19 is right of alternate accommodation, the husband is a proper party. The right of maintenance as per the provisions of Hindu Adoption and Maintenance Act, 1956 is that of the husband, hence he may be a proper party in cases when the Court is to consider the claim of respondent under Sections 17 and 19 read with Section 26 of the Act, 2005."

7. It is evident that petitioner claims that she is in possession of the property being shared accommodation. As per the provision of Protection of Women From Domestic Violence Act, 2005, she can be granted right of alternate accommodation.

8. Hence, the impugned order is set aside and the application filed the petitioner shall stand allowed. The judgment relied upon by learned counsel



representing the respondent would not be applicable, particularly, in view of the observations made by the Supreme Court in *Satish Chander Ahuja's case* (supra).

9. The revision petition is allowed.

10. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

06.05.2025

neeraj

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No