

Civil Revision No.1472 of 2025

S. No.127

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

Civil Revision No.1472 of 2025

Date of Decision:11.03.2025

Janak Singh

.....Petitioner

Vs.

Vijay Kumari and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

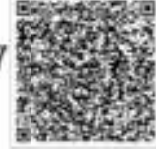
Present:- Mr. Baljinder Singh, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of this revision filed under Article 227 of the Constitution of India, petitioner has assailed order dated 04.02.2025 (*Annexure P.1*) passed by the Appellate Court of learned District Judge, Hoshiarpur, whereby application under Order 1 Rule 10 CPC moved by the petitioner for his impleadment in the pending appeal bearing Civil Appeal No.544 of 2016 titled "*Vijay Kumari Vs. Kamal Thakur and others*" was dismissed.

2. As the paper book would reveal, suit property belonged to one Smt. Parwati. Plaintiff No.1 and the four defendants are the children of said Parwati. Plaintiff No.2 is the son of plaintiff No.1. By filing the suit on 23.01.2007, plaintiffs claimed the suit property on the basis of registered Will dated 09.01.2006 purported to be executed by Smt. Parwati in their favour. On the other hand, defendants contested the suit by disputing the Will; and that Mutation No.23696 has been rightly sanctioned in favour of plaintiff No.1 and defendants in equal shares on the basis of natural succession. After trial, the suit was dismissed on 15.09.2016.

3.1 Civil Appeal No.544 of 2016 filed by the plaintiffs is pending before District Judge, Hoshiarpur, where the petitioner moved an application under Order 1 Rule 10 CPC contending that defendant No.1 – Kamal Thakur and defendant No.4 – Ved Kumari had sold 07 marlas 06 sarsai land out of the suit property in his (*applicant's*) favour vide sale deed dated 24.09.2010 for



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consideration of 5,30,000/- and on that basis, Mutation No.25395 was sanctioned and he is, thus, owner in possession of the said 07 marla 06 sarsai of land. His vendors had not disclosed to him about pendency of the suit and that after dismissal of the suit, plaintiffs were claiming to have compromised the matter with the vendors of the petitioner and in case they succeed in getting the mutation favouring the petitioner cancelled, he would suffer irreparable loss.

3.2 The application was opposed by the appellants- plaintiffs.

3.3 The learned District Judge by way of the impugned order dated 04.02.2025 has dismissed the application.

4. Assailing the order, it is contended by learned counsel for the petitioner that the Appellate Court has inherent power to permit impleadment of the parties under Order 1 Rule 10 CPC and Section 107(2) CPC even at the appellate stage, if their presence is necessary for effective and complete adjudication of the dispute. Learned counsel has referred to a judgment of this Court in ***Surjit Kaur Loety Vs. State of Punjab and others, 2025 AIR CC 533***. It is contended further that as petitioner is vendee pendente-lite and was not aware about pendency of the suit, his vendors having not told him in this regard, so his valuable rights are involved and so, the impugned order deserve to be set aside.

5. After considering the contentions of learned counsel for the petitioner, this Court does not find merit in the same.

6. It is no doubt true that Appellate Court has inherent power to permit impleadment of the parties under Order 1 Rule 10 CPC and Section 107(2) CPC even at the appellate stage, if their presence is necessary for effective and complete adjudication of the dispute but it is not an absolute Rule and it depends upon facts and circumstances of each case.

7. In the present case, as the paper book would reveal that suit was filed in January, 2007. Petitioner claims to have purchased part of the suit land from



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defendants No.1 and 4 by way of sale deed dated 24.09.2010. Suit was dismissed on 15.09.2016. Appeal is pending since 27.10.2016. It is on 03.01.2025 that petitioner moved the application under Order 1 Rule 10 CPC.

8. Not only above, counsel for the petitioner has himself placed on record copy of an order dated 10.01.2025 passed by this Court in CR No.7525 of 2024 (O&M), which would reveal that earlier one Rajnish Joshi, the General Attorney of vendors of the petitioner had moved an application under Order 1 Rule 10 CPC to implead him as a party. That application was dismissed by the Appellate Court on 12.11.2024. By way of this CR No.7525 of 2024 (O&M), Rajnish Joshi assailed that order dated 12.11.2024 but the CR was dismissed by this Court on 10.01.2025. Meaning thereby, the attorney of vendors of the petitioner had earlier moved an application for his impleadment but the same has been rejected.

9. In the above-said facts and circumstances, when petitioner has concededly purchased the suit property during pendency of the suit and moved the application for impleadment after more than 08 years from the pendency of the appeal; and after more than 14 years from the date of his purchase, the application moved under Order 1 Rule 10 CPC for impleadment appears to be nothing but an attempt to delay the disposal of the appeal. The material dispute between parties to the lis is about validity of Will of Smt. Parwati and for effective and complete adjudication of the said dispute, presence of petitioner is not necessary.

10. As such, this Court does not find any illegality or perversity in the impugned order. Dismissed.

March 11, 2025
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No