



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

**Civil Revision No. 6338 of 2023 (O&M)
Date of Decision: 13.10.2025**

Mrs. Reena Devi

..... Petitioner

Versus

General Public and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chander Shekhar, Advocate
for the petitioner.

Ms. Jyotika Behl, Advocate for
Mr. Satbir Rathore, Advocate
for respondent No. 2-Kuldeep Singh.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present revision petition, seeks setting aside of an order dated 25.08.2023 (Annexure P-7) passed by the learned Civil Judge (Senior Division), Kurukshetra, whereby an application preferred under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (**for brevity “CPC”**) on behalf of respondent No. 2 (Kuldeep Singh), was allowed.

[2] Briefly stating, a petition under Section 8 of the Hindu Minority and Guardianship Act, 1956 (**for short “1956 Act”**) came to be filed at the instance of petitioner being mother of minor-Digvijay Singh @ Ram Singh son of Shri Harpal Singh @ Nakli, resident of Village Bhartoli, Sub-Tehsil Ladwa, Tehsil Thanesar, District Kurukshetra so as to seek permission to alienate the property owned by the minor. The petition was

preferred against respondent No. 1-General Public. After due publication, respondent No. 1-General Public was proceeded against *ex parte* vide order dated 02.11.2017 (Annexure P-2) passed by the learned Civil Judge (Senior Division), Kurukshetra.

[3] Soon thereafter, an application under Order 1 Rule 10 CPC came to be filed at the instance of respondent No. 2, claiming himself to be joint owner of the property in question alongwith the minor-Digvijay Singh @ Ram Singh. Although the said application was opposed at the instance of petitioner, however, it came to be allowed vide order dated 25.08.2023 passed by the learned Civil Judge (Senior Division), Kurukshetra, with the following observations:-

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*A perusal of record shows that the present petition has been filed by petitioner Smt. Reena Devi, widow of Shri Harpal Singh @ Nakli for permission to sell the property of minor Dig Vijay Singh @ Ram Singh situated at village Bhartoli, Tehsil Ladwa, District Kurukshetra vide jamabandi for the year 2011-12 read with mutation no.1416. The applicant has claimed himself to be a co-sharer in the land regarding which permission to sell has been sought and so he is a necessary party and if he is not joined as party then all material facts shall not come on record. The petitioner has filed the present petition against General Public and respondent General Public has already been proceeded *ex parte*. The interest of minor is of paramount consideration and if any fact which is concerning the interest of minor shall not come on record then it shall be against the interest of minor. Hence, keeping in view these facts and in order to bring on record all the necessary facts for disposal of the case properly and effectively, the application in hand is hereby allowed and*

applicant is ordered to be impleaded as a party in this case as respondent. The application is disposed of accordingly. Now, to come up on 18.09.2023 for filing reply to the application under Order 7 Rule 10 CPC.”

[4] Having heard learned counsel for the parties and gone through the paper-book, in the humble opinion of this Court, the impugned order dated 25.08.2023 passed by the learned Civil Judge (Senior Division), Kurukshetra deserves to be set aside.

[5] Mere fact that respondent No. 2 (Kuldeep Singh son of Sh. Dharam Pal Singh) happens to be a co-sharer alongwith the minor, namely, Digvijay Singh @ Ram Singh in their joint holdings land situated at Village Bhartoli, Sub Tehsil Ladwa, Tehsil Thanesar, District Kurukshetra, permission can always be sought and granted for alienating the share of the minor. Any such permission, if at all, is granted by the Court concerned qua the share of minor-Digvijay Singh, his other co-sharers are not going to suffer any loss as their rights shall always be protected subject to the law of partition and any subsequent purchaser from the petitioner *qua* the rights of the minor in the joint property subject to sanction by the Court concerned would always remain bound by the partition proceedings. In view thereof, the impugned order is liable to be set aside as there is no justification for impleading respondent No. 2 as necessary or proper party to the proceedings before the learned Court below.

[6] Consequently, the present petition is **allowed** while setting aside the impugned order dated 25.08.2023 passed by the learned Civil Judge (Senior Division), Kurukshetra.

[7] Pending miscellaneous application(s), if any, shall also stand disposed off.

October 13, 2025

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**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>