



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

CR-4094-2024

Date of Decision: 10.09.2025

JAI BHAGWAN AND ORS

...Petitioners

Versus

VED KANWAR AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Ms. Monika Khatri, Advocate
for petitioners.

Mr. Kulvir Narwal, Advocate
for respondent No.1.

Mr. Abhinav Mahant, AAG, Haryana
for respondents No.2 to 4.

Parmod Goyal, J. (Oral)

That the petitioners being aggrieved by the impugned order dated 03.07.2024 (Annexure P-6), passed by the Court of learned Civil Judge, (Junior Division), Jhajjar, has preferred the present revision petition.

2. Vide impugned order dated 03.07.2024, application under Order I Rule 10 CPC for impleadment of applicants as defendants was dismissed. The learned Court of first instance concluded that applicants/petitioners are neither necessary parties nor proper parties and since matter is fixed for rebuttal evidence and is at the fag end of trial, therefore, application was held to be without any merit.

3. Plaintiff/respondent-Ved Kanwar had earlier filed a suit for declaration challenging release deed dated 02.03.2000. In the said suit, plaintiff claimed to be son of Ram Chander. In the said suit Ram Chander



had taken specific stand that Ved Kanwar was not his son, rather he was son of Sube Singh. Vide judgment and decree dated 03.11.2014, suit of plaintiff-Ved Kanwar bearing RBT No.219 of 2005 was dismissed, holding that he was not son of Ram Chander. It is also admitted between the parties that plaintiff-Ved Kanwar had filed an appeal before First Appellate Court which was also dismissed on 26.04.2016 and thereafter, Regular Second Appeal was preferred in this Court which is stated to be pending for adjudication. Subsequently, present suit by impleading State of Haryana, Tehsildar and Halqa Patwari challenging the revenue entries, seeking correction and replacement of his father's name as Ram Chander in place of Sube Singh was filed. Applicants/petitioners are claiming to be natural heirs of Ram Chander. They were however, not impleaded in the subsequent suit and therefore, they had preferred an application under Order I Rule 10, which was dismissed and now are before this Court by way of the present petition.

4. Factum of previous suit is not disputed. Learned counsel for respondent has opposed the petition on the ground that mother of plaintiff-Ved Kanwar had performed Kaleva Marriage with Ram Chander and therefore, he is entitled to succeed and claim estate of Ram Chander. Admittedly, mutation entries which are sought to be corrected are in the name of applicants/petitioners.

5. In absence of applicants/petitioners no order to their prejudice can be filed, it was rather for the plaintiff to implead applicants/petitioners as necessary parties, but since he has failed, therefore, feeling aggrieved by the acts of plaintiff, petitioners have approached to get themselves impleaded as



defendants. In the facts and circumstances of the present case, specially when plaintiff is seeking correction of mutation entries, which are in existence in favour of petitioners, it could not be held that petitioners are not necessary party. It seems that plaintiff at the back of applicants is wanting an order which is against the applicants. Petitioners are necessary party in the present case and needs to be impleaded as defendants for proper adjudication of the case.

6. Accordingly, impugned order dated 03.07.2024 is set aside. Application under Order I Rule 10 CPC preferred by applicant is allowed. Let applicants/petitioners be impleaded as defendants and matter be decided in accordance with law.

10.09.2025
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No