



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

**CR-428-2025(O&M)
Date of decision: 08.09.2025**

Balbir Singh Sandhu and others

... Petitioners

Versus

Kuldeep Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Balbir Singh Jaswal, Advocate,
for the petitioners.

Mr. Kewal Krishan, Advocate, and
Mr. R.D. Rattewal, Advocate, for respondents No.1 & 2.

VIKRAM AGGARWAL, J. (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails order dated 03.12.2024 (Annexure P-13), passed by the Court of Additional Civil Judge (Sr. Divn.), Ajnala, vide which the application moved by the petitioners under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (for short, 'CPC') for impleading them as defendants was dismissed.

2. A suit for specific performance of agreement to sell dated 04.05.2018, stated to have been executed by Beer Kaur in favour of respondents No.1 & 2/plaintiffs (Kuldeep Singh and Harpal Singh), as regards land measuring 49 kanals 10 marlas (fully described in the plaint), situated in the revenue estate of Village Dhariwal, Tehsil Ajnala, District Amritsar, along with consequential relief of permanent injunction, was filed by the respondents/plaintiffs. Written statement (Annexure P-2) was filed by



Beer Kaur. Upon filing of replication, issues were framed on 20.04.2023. Evidence of the plaintiffs was closed on 10.05.2024.

3. An application (Annexure P-11) was moved by the petitioners under Order 1 Rule 10 read with Section 151 CPC for impleading them as defendants No.2, 3 & 4. It was claimed that they had purchased the suit property from Ajit Singh, Beer Kaur and Swaran Kaur vide agreement to sell dated 25.05.2011, in respect of land measuring 57 kanals 1 marlas. No specific date was fixed for execution of the sale deed and it was agreed by Beer Kaur and others that the sale deed would be executed after the decision of the pending case. One sale deed, in respect of land measuring about 7 kanals was executed on 16.06.2011. However, the sale deed for the remaining land could not be executed on account of a dispute with the plaintiffs' father, namely, Jarnail Singh. Some history of other litigation was also given and it was prayed that there would be no complete adjudication of the suit without impleading the petitioners as parties.

4. The application was opposed by way of a reply (Annexure P-12). It was averred that the application had been filed with intent to delay the proceedings and in connivance with the defendant - Beer Kaur. Reply on merits was also filed as regards the averments made in the application.

5. The application under Order 1 Rule 10 read with Section 151 CPC was dismissed vide order dated 03.12.2024 (Annexure P-13), leading to the filing of the instant revision petition.

6. I have heard learned counsel for the parties.

7. Sh. B.S. Jaswal, learned counsel representing the petitioners, has strenuously urged that the trial Court has gravely erred in dismissing the



application. Learned counsel has referred to the plaint, written statement, judgment dated 11.12.2018, titled '*Bir Kaur v. Sawinder Singh and others*' (Annexure P-5), plaint in Civil Suit No.188 of 2019, titled '*Jarnail Singh and another v. Surinder Kaur and others*' (Annexure P-6), agreement to sell dated 25.05.2011 (Annexure P-9), agreement to sell dated 16.01.2019 (Annexure P-10) and other documents on record. He has submitted that without impleading the petitioners as defendants, proper adjudication of the suit would not be possible. It has further been contended that there is a possibility of collusion between the plaintiffs and the defendants, which may result in grave prejudice to the rights of the petitioners. In support of his contentions, learned counsel has relied upon the decisions of the Hon'ble Supreme Court of India in **H. Anjanappa & Ors. v. A. Prabhakar & Ors.**, 2025 AIR (SC) 924; **Yogesh Goyanka v. Govind & Ors.**, 2024(7) SCC 524; **Baluram v. P. Chellathangam and others**, 2015 AIR (SC) 1264; **Anil Kumar Singh v. Shivnath Mishra alias Gadasa Guru**, 1995(3) SCC 147; and **Kasturi v. Iyyamperumal & Ors.**, 2005(6) SCC 733.

8. The judgment in ***H. Anjanappa's case*** primarily deals with transferees *pendente lite*. The decision in ***Yogesh Goyanka's case*** also pertains to subsequent transferees and transferees *pendente lite*. Further, the decision in the cases of ***Anil Kumar Singh*** and ***Kasturi*** lay down the principles as to when parties are to be considered necessary or proper parties, and when such persons are required to be impleaded.

9. The principles laid down in the aforesaid judgments are too well known to be reproduced in the instant order.



10. The petitioners claim that an agreement to sell was executed in their favour as far as back on 25.05.2011. Certain portions of land are also stated to have transferred to them by way of different sale deeds. Some litigation is stated to be pending between the parties. No suit for possession by way of specific performance has been filed by the petitioners, though it was stated during the course of arguments that a suit has been filed by the petitioners as regards some part of the suit land.

11. If the petitioners are impleaded as respondents/defendants, it will only complicate the matter and, as rightly held by the trial Court, a simple suit for specific performance would be converted into a suit for title. Learned counsel for the petitioners has conceded that a suit for a part of the land has already been filed by them. It would always be open to the petitioners to either move an application for consolidation or to seek appropriate orders for both suits to be tried by the same Court so that the trial Court remains fully aware about the litigation as regards the suit land.

12. As the petitioners have alleged the possibility of collusion between the defendants, it has been alleged by the defendants that the petitioners and plaintiffs may also have collided.

13. There is another aspect of the matter, which was rightly noticed by the trial Court. It is the positive case of the petitioners that a sale deed was executed in 2019 for a portion of the land but the sale deed could not be executed for the remaining land due to the pendency of present suit. Meaning thereby, the petitioners were aware of the suit since 2019. However, they chose to file the application for impleadment only in 2024 at



the stage of defendants' evidence, which indicates that the endeavour was to delay the proceedings.

14. That being so, I do not find any illegality in the impugned order warranting interference.

15. In view of the same, the present revision petition is found to be devoid of merit and is accordingly dismissed

16. Pending applications, if any, shall also stand disposed of.

(Vikram Aggarwal)
Judge

September 8, 2025

Rajan

Whether speaking / reasoned:

Yes/No

Whether Reportable:

Yes/No