



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

119

CR-5650-2025

Reserved On: 22.08.2025

Date of Decision: 15.09.2025

Didar Singh (now deceased) through his LRsPetitioners

Vs.

Bakhshish Singh and anotherRespondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Amandeep Soni, Advocate
for the petitioners.

SUDEEPTI SHARMA J. (Oral)

1. The present revision petition is filed for setting aside the order dated 28.07.2025, passed by Additional Civil Judge (Sr. Division), Ajnala, whereby, the application under Order I Rule 10 CPC filed by the petitioners was dismissed.

2. Learned counsel for the petitioners contends that learned Additional Civil Judge (Sr. Division), Ajnala has wrongly dismissed the application filed by the petitioners only on the ground that there is a delay of more than 10 years in filing the application under Order I Rule 10 CPC read with 151 CPC.

3. Learned counsel for the petitioners further contends that both the petitioners are LRs (widow and son) of Didar Singh. Their application under Order XXII Rule 3 read with Section 151 of CPC for impleadment of LRs was allowed and they moved an application for impleadment under



Order I Rule 10 CPC which was dismissed on the ground of delay in filing the application after more than 10 years. Therefore, he prays that the present petition be allowed.

4. I have heard learned counsel for the petitioners and perused the whole file with his able assistance.

BRIEF FACTS

5. The brief facts of the case are that Didar Singh (now deceased) son of Sadhu Singh, filed suit for declaration to the effect that he and respondent No.1 are joint owners to the extent of 1/2 share each in land measuring 16K-4M bearing Khasra Nos.154/13 (8-0), 17/2 (4-17), 18/1 (3-7), Khata Khatoni No.1276/208 as per jamabandi for the year 2010-2011 situated in Village Jagdev Kalan, Tehsil Ajnala, District Amritsar and also declaration being owner to the extent of 1/2 share of electric tube-well connection installed in the suit land and further the alleged will dated 18.01.2012 prepared by the respondent No.1 in his favour is forged and fabricated document and is not binding upon the petitioners, also the mutation No.6900 on the basis of the alleged Will is liable to be set aside along with the consequential relief of permanent injunction restraining the respondent No.1 from alienating, mortgaging, sale, creating a charge over the suit land and making any construction over the suit property thereby changing the nature of the suit property or to dispossess the petitioners forcibly and illegally.

6. That after the death of Sadhu Singh, Didar Singh (now deceased) and respondent No.1, Bakhshish Singh are the legal heirs being sons and Gurmeet Kaur, Davinder Kaur, Sawinder Kaur and Rajwant Kaur



being daughters are also legal heirs and there is no other legal heir of Sadhu Singh.

7. During the pendency of the civil suit, Didar Singh expired on 21.12.2020 and the petitioners alongwith proforma respondent being the legal heirs of Didar Singh after becoming party in the present suit came to know that daughters of Sadhu Singh were inadvertently at the time of filing the present suit, left to be impleaded as party who are also having an equal share in the estate of deceased-Sadhu Singh. Therefore, the petitioners filed an application under Order I Rule 10 CPC read with Section 151 to implead the daughters of Sadhu Singh as defendants No.2 to 5 being necessary and proper party for proper adjudication of the case.

8. The application filed by the petitioners under Order I Rule 10 read with Section 151 CPC was dismissed vide order dated 28.07.2025 which is challenged in the present petition.

9. A perusal of order dated 28.07.2025 shows that the application filed by the petitioners is dismissed only on the ground that it is filed after more than 10 years of filing the case.

10. Admittedly, Didar Singh expired on 21.12.2020 and, thereafter, the petitioners were impleaded as LRs of Didar Singh vide order dated 18.07.2025, passed by Additional Civil Judge, Senior Division, Ajnala.

11. As per the file, immediately after the impleadment vide order dated 18.07.2025, the petitioners moved an application under Order I Rule 10 CPC for impleadment of daughters of Sadhu Singh as defendant Nos.2 to 5 which was dismissed vide order dated 28.07.2025 on the ground that application is filed after more than 10 years of filing the case without



appreciating the fact that the petitioners were impleaded as LR's vide order dated 18.07.2025 itself. And immediately, thereafter, they moved an application for impleadment of daughters of Sadhu Singh.

12. A perusal of the file shows that civil suit was filed by Didar Singh about more than 10 years back and the application was filed in the year 2025 but admitted fact is that the petitioners were impleaded as LR's of Didar Singh in the year 2025 itself and after impleadment they realized that four daughters of Sadhu Singh were inadvertently left to be impleaded as party who have equal share in the estate of deceased-Sadhu Singh, it is then that they moved the application.

13. In view of the facts and circumstances of this particular case it is apparent and undisputed that Sadhu Singh had six children i.e. deceased-Didar Singh and defendant-Bakhshish Singh as well as four daughters namely Gurmeet Kaur, Davinder Kaur, Sawinder Kaur and Rajwant Kaur. The respondent-defendant undisputedly in his written statement filed in the civil suit had taken preliminary objections regarding the impleadment of necessary parties.

14. Further Gurmeet Kaur, Davinder Kaur, Sawinder Kaur and Rajwant Kaur are necessary parties for the adjudication of the civil suit which is also not disputed by the respondent-defendant in the civil suit. Therefore, to avoid multiplicity of litigation and for proper adjudication of the case and in the interest of justice, the application filed by the petitioner deserves to be allowed.

15. In view of the above, order dated 28.07.2025 is set aside.



16. The present civil revision petition is ***allowed***.

17. Application filed by the petitioner under Order I Rule 10 read with 151 CPC is ***allowed***.

15.09.2025

Sahil

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No