



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

CR-4912-2025

Date of decision: 30.07.2025

SUKHWANT KAUR

..Petitioner

Versus

KULBIR SINGH AND ANOTHER

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Deep Singh Saini, Advocate
for the petitioner.

SUDEEPTI SHARMA, J. (Oral)

1. Present revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 14.07.2025 passed by the Ld. Additional Civil Judge (Senior Division), Tarn Taran, whereby application under Order I Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as CPC), for impleading the petitioner in the array of defendants as defendant No.2 has been dismissed.

2. Learned counsel for the petitioner contends that the learned Additional Civil Judge (Senior Division), Tarn Taran, has wrongly dismissed the application under Order I Rule 10 read with Section 151 of the 'CPC', filed by the petitioner. He further contends that petitioner is a necessary party and has 1/4th share in the property in question.

3. I have heard learned counsel for the petitioner and have perused the case file with his able assistance.

4. The relevant paras 3, 4 and 6 of the order dated 14.07.2025, are reproduced as under:-



“3. I have heard the learned counsel for both parties and carefully examined the application, the reply filed thereto, and the record of the case. The law regarding impleadment of parties under Order I Rule 10(2) CPC is well settled. As held by the Hon’ble Supreme Court in Mumbai International Airport Pvt. Ltd. v. Regency Convention Centre and Hotels Pvt. Ltd. [(2010) 7 SCC 417], a necessary party is one without whom no effective decree can be passed, and a proper party is one whose presence is necessary for a complete and final decision on the issues involved. It is also trite law that in a suit for injunction, the plaintiff is dominus litis and is not required to implead every person claiming title unless such person is directly involved in the subject matter of the dispute or whose presence is necessary for adjudication of the relief sought.

4. In the present case, the suit is for permanent injunction, filed by the plaintiff against his son, restraining him from interfering with his alleged settled possession over a shop which the plaintiff asserts to have reconstructed into a triple-storey building and has been running a business thereunder for over five decades. The applicant has not pleaded or produced any prima facie evidence to show that she has ever exercised possession over the suit property or taken any steps in law to assert her inheritance rights since the death of her father in 1969. It is also pertinent to observe that the applicant has not explained the delay of over fifty years in asserting her rights. She has neither filed any substantive civil suit for declaration or partition nor demonstrated any interference with her alleged rights by either the plaintiff or the defendant. The mere claim of co-ownership in an unpartitioned property, without any supporting material and without any connection to the possession or the cause of action involved in the present suit for injunction, is insufficient to classify her as a necessary or even proper party.

6. The applicant in the present case has neither pleaded possession nor shown any threat from her side to the plaintiff. The application lacks both factual and legal merit and appears to be motivated by a collateral intent to delay the proceedings. It is settled law that the plaintiff cannot be compelled to contest his case against a party from whom he does not seek any relief, unless the impleadment is essential for effective adjudication of the actual controversy raised in the suit. The applicant’s remedy, if any, lies in seeking appropriate relief by way of a separate civil suit for declaration or partition. In the absence of any cogent basis justifying her impleadment in the present suit for injunction, the Court finds no merit in the present application.”



5. A perusal of the above referred order shows that the learned Additional Civil Judge (Senior Division), Tarn Taran, has rightly observed that the petitioner is asserting her to be necessary party on the basis of her inheritance right since the death of her father in the year 1969, whereas, she could not explain the delay of over 50 years since she never filed any suit for declaration or partition regarding her alleged right.

6. A bare perusal of reading of above referred order shows that learned Additional Civil Judge (Senior Division), Tarn Taran, has categorically dealt with the reply filed by the respondent/plaintiff and rightly held that plaintiff cannot be compelled to contest his case against a party from whom he does not seek any relief, unless the impleadment is essential for effective adjudication of the actual controversy raised in the suit.

7. In view of the above, there is no infirmity or illegality in the order dated 14.07.2025, which calls for any interference of this Court in limited revisional jurisdiction.

8. Accordingly, the present revision petition is dismissed being devoid of any merit.

July 30th, 2025

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**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*