



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

CR No.6822 of 2023

Date of decision : 20.02.2025

SAJJAN MULTANI

...Petitioner

Versus

JATINDER KAUR AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Bhavna Kapur, Advocate
for the petitioner (through V.C.).

Mr. A.S. Khinda, Advocate
for respondent No.1.

PANKAJ JAIN, J. (ORAL)

Challenge is to the order dated 06.09.2023 passed by Additional Civil Judge (Senior Division) Bholath whereby application filed by Jatinder Kaur respondent No.1 wife of Jit Singh has been allowed.

2. Plaintiff filed suit seeking decree of declaration to the effect that he is owner in possession of land claiming himself to be the sole beneficiary of the estate left by Balwant Singh propounding Will dated 07.05.1999. Plaintiff Sajjan Multani claimed exclusive right to the estate left by Balwant Singh to the exclusion of all other siblings and legal heirs of the siblings including Jit Singh.

3. Applicant/respondent No.1 is wife of Jit Singh who is in matrimonial discord and is embroiled in a *lis* with Jit Singh. She has filed



present application seeking impleadment to the *lis* claiming her right on the basis of judgment and decree dated 13.08.2019 titled as ‘Jatinder Kaur and another vs. Jit Singh’ wherein maintenance of the applicant has been granted and charge over the property of Jit Singh/defendant No.1 has been created in favour of Jatinder Kaur.

4. Ld. Additional Civil Judge (Senior Division) Bholath allowed the application observing as under :

“4. After considering the rival contentions of learned counsel for the parties this Court is of the considered view that, the only legality is to be decided in the application whether the applicant is necessary party to be impleaded in the present case. The answer is obvious yes. Though the applicant has no direct connection to be impleaded as party in the present suit. The right accrues to the applicant on the basis of judgment and decree dated 13.08.2019 titled as “Jatinder Kaur & Anr. Vs. Jit Singh” decided by Ld.Predecessor of this Court, wherein maintenance to the applicant has been granted and charge over the property of Jit Singh defendant No.1 was created. It is also pertinent to mention here that applicant filed the execution wherein, the Executing Court attached the property of Jit Singh defendant No.1 which is directly involved in the present *Lis*. The outcome of the present *Lis* directly effects the rights of the applicant on the basis of judgment and decree dated 13.08.2019. Moreover, no prejudice will be cause to the respondent/plaintiff if the applicant is impleaded as defendant in this case.”

5. Counsel for the petitioner attacks the impugned order claiming that Jatinder Kaur has no right to be impleaded as party in the present *lis* as she has no direct concern with the property left by Balwant Singh.



However, she is not in position to dispute that Jit Singh, one of the defendants in the present suit, has suffered a decree at the hands of Jatinder Kaur dated 13.08.2019 wherein the Court has created charge over the property of Jit Singh. Obviously, the result of the suit *viz-a-viz* estate to be inherited by Jit Singh from Balwant Singh will have bearing on the rights of the applicant. Though counsel for the petitioner submits that the judgment is under challenge before this Court however, no order has been placed on record to show that the operation thereof has been stayed.

6. Present revision has been filed under Article 227 of the Constitution of India. While explaining the scope of Article 227 and supervisory jurisdiction conferred on High Court, Supreme Court in the case of **Sadhana Lodh vs. National Insurance Company Limited and others, (2003) 3 SCC 524** observed as under:

“7. The supervisory jurisdiction conferred on the High Courts under Article 227 of the Constitution is confined only to see whether an inferior court or Tribunal has proceeded within its parameters and not to correct an error apparent on the face of the record, much less of an error of law. In exercising the supervisory power under Article 227 of the Constitution, the High Court does not act as an Appellate Court or the Tribunal. It is also not permissible to a High Court on a petition filed under Article 227 of the Constitution to review or re-weigh the evidence upon which the inferior court or Tribunal purports to have passed the order or to correct errors of law in the decision.”



7. In view thereof, this Court does not find any reason to interfere in the impugned order. Resultantly, the instant revision petition is dismissed.

February 20, 2025

**(Pankaj Jain)
Judge**

Dpr

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No