

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

Case:- CFA No. 30/2009  
IA Nos. 45/2014 & 49/2009  
CM No. 2001/2023  
c/w  
MA No. 276/2009  
CM Nos. 3297/2022, 3298/2022 & 7569/2022  
IA No. 392/2009

Reeta Samyal and others .....Appellant(s)/Petitioner(s)

Through: Mr. Sarfraz Hamid Rather, Advocate.

**Vs**

Ambika Devi and others ..... Respondent(s)

Through: Mr. M. P. Gupta, Advocate  
Mr. Pranav Sharma, Advocate.

**Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**ORDER**  
**(01.07.2024)**

**1.** A civil suit came to be initiated by seven plaintiffs against five defendants. The respondents No. 1 to 7 herein are the said plaintiffs. Out of five defendants, defendants No. 1 to 3 were private individuals whereas defendants No. 4 to 5 were government officials.

**2.** The defendants No. 2 & 3, namely, Mrs. Kamla and Mrs. Veena are respondents No. 9 & 10 herein. The defendant No. 1, namely, Sita Devi has expired leaving behind the appellants herein as her legal representatives who came forward with the institution of the present civil 1<sup>st</sup> appeal under section 96 of the Code of Civil Procedure, Svt. 1977 challenging the trial court judgment dated 11.12.2009 passed by the Additional District Judge, Jammu above mentioned on file No. 59/COS of 1990.

**CM No. 4724/2023**

**3.** During the pendency of the present appeal, the respondent No. 5- Neena Kanwar, who figured as plaintiff No. 5 in the civil suit, has come forward with an application invoking Order 22 Rule 10 of the Code of Civil Procedure, Svt. 1977 thereby seeking impleadment of Sh. Najeeb Ahmed Siddiqui and Sh. Shamsheer Singh Manhas as party respondents in the appeal stating that defendant No. 1-Sita Devi (now deceased), under whom the appellants are claiming, had come to make a purported disposition of one of the suit properties which has purportedly landed in the hands of the above named two persons in succession by mode of purported transfer *inter se* two persons. Sh. Shamsheer Singh is said to be claiming under said Sita Devi, the defendant No. 1.

**4.** By this reference, the respondent No. 5 through her counsel submits that said two persons have purportedly related themselves with the suit property and any adjudication born out of the present appeal is going to govern the property purportedly claimed by them and, as such, they need to be impleaded as respondents.

**5.** The circumstances under which the respondent No. 5 is seeking impleadment of the said two persons are stated in the application with respect to which the appellants herein in their reply/objections to the application so filed by the respondent No. 5 has avoided to take any categorical stand.

**6.** Given the state of circumstances, it would be in the fitness of things to have the said two persons in the case lest any adjudication in their absence may cause any prejudice to them.

7. Considering the state of facts set out in the application even if said two persons were not necessary party at the relevant point of time but by reference to the facts and circumstances as stated in the application, they have rendered themselves if not necessary party but surely proper party to be impleaded in the present civil 1<sup>st</sup> appeal being the persons claiming under said Sita Devi.

8. Accordingly, this Court impleads Najeeb Ahmed Siddiqui and Shamsheer Singh Manhas as contesting respondents No. 11 & 12.

9. Application CM No. 4724/2023 stands disposed of.

10. Let the Registrar Judicial, Jammu issue notice to the said two newly impleaded respondents for which the requisite particulars to be furnished by the respondent No. 5 at whose instance their impleadment is taking place within period of ten days whereupon Registrar Judicial, Jammu to issue notice to the newly impleaded respondents.

11. List the main matter on 09.08.2024.

(RAHUL BHARTI)  
JUDGE

JAMMU  
01.07.2024  
*Shivalee*