



2025:PHHC:112523

CR-5906-2022 (O&M) [1]

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

**CR-5906-2022 (O&M)
Date of Decision: 25.08.2025**

Harbati

...Petitioner

VERSUS

Ajit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. Sanjay Majithia, Sr. Advocate with
Mr. Sumit Sinha, Advocate for the petitioner.

Mr. Sudhir Aggarwal, Advocate &
Mr. Ishan Aggarwal, Advocate
for respondent No.1.

Mr. Sachin Kamboj, Advocate for
Mr. Vivek Goyal, Advocate
for respondents No.2 to 5.

HARKESH MANUJA, J. (ORAL)

By way of present revision petition, challenge has been laid to an order dated 21.11.2022 passed by Additional Civil Judge (Senior Division), Sohna, District Gurugram, whereby an application preferred under Order 1 Rule 10 read with Section 151 CPC on behalf of the petitioner/ plaintiff seeking impleadment of Neeraj Aggarwal who happened to be one of the purchasers in the sale deed dated 05.07.2013, stands declined.

2. Briefly stating, the petitioner/plaintiff filed a suit for declaration along with consequential relief of permanent injunction while claiming herself to be owner in possession of the suit property



CR-5906-2022 (O&M) [2]

2025:PHHC:112523



measuring 06 kanals 12 marlas 4 sarsais situated within the revenue estate of Village Sohna, Tehsil Sohna, District Gurugram by virtue of sale deed dated 01.02.2011 executed in her favour by defendants No.3 to 5. In the said suit, challenge was also laid to the sale deed dated 05.07.2013 which was executed on the basis of judgment and decree dated 04.02.2012 passed in Civil Suit No. 558 dated 21.05.2005, titled as '**Ajit Singh Vs. Shanti and ors.**' The said sale deed dated 05.07.2013 was executed in favour of respondent No.1 as well as one Neeraj Aggarwal, however, the suit was originally filed by the petitioner on 02.01.2014 by impleading one of the vendee, namely, Ajit Singh only along with other defendants.

3. During pendency of the suit, on 16.03.2022, the petitioner moved an application under Order 1 Rule 10 read with Section 151 CPC with a prayer for impleading Neeraj Aggarwal as defendant No.6. The aforesaid application was opposed at the instance of respondents. The trial Court vide order dated 21.11.2022 dismissed the application preferred at the instance of petitioner/plaintiff. Hence, the present revision petition.

4. Impugning the aforesaid, learned Senior Counsel appearing for the petitioner submits that the impleadment of Neeraj Aggarwal as defendant was neither going to change the nature of the suit; nor even the petitioner was ever seeking any amendment of pleadings. He also submits that the petitioner would not even asking for any opportunity to lead any fresh evidence and thus the impugned



CR-5906-2022 (O&M) [3]

2025:PHHC:112523 

order was liable to be set aside.

5. On the other hand, learned counsel for the respondents submits that originally the suit was filed on 02.01.2014 laying challenge to the sale deed dated 05.07.2013; whereas the application under Order 1 Rule 10 CPC was preferred on 16.03.2022 and as such the limitation of 03 years for challenging the rights of Neeraj Aggarwal in the sale deed dated 05.07.2013 was over, therefore, the application was rightly declined.

6. I have heard learned counsel for the parties and gone through the paper book. I am unable to find any substance in the submissions made on behalf of the petitioner.

7. In the facts and circumstances of the present case, the suit for declaration has been filed on behalf of the petitioner/ plaintiff claiming herself to be owner in possession of the suit property on the basis of sale deed dated 01.02.2011, however, challenge has also been made to the sale deed dated 05.02.2013 by impleading one of its vendee, namely, Ajit Singh as defendant No.1, but the other purchasee, namely, Neeraj Aggarwal was never impleaded as party in the original suit on 02.01.2014 and the application for his impleadment came to be filed on 16.03.2022. Apparently, as on the date of filing of the application seeking impleadment of Neeraj Aggarwal with respect to laying challenge to the sale deed dated 05.07.2013 qua his rights being beyond three years has already become barred by limitation as such the application seeking his



2025:PHHC:112523

CR-5906-2022 (O&M) [4]

2025:PHHC:112523 

impleadment at this belated stage, cannot be permitted.

8. Accordingly, in view of the detailed discussion made hereinabove and also the reasons mentioned in the impugned order, the same being justified and legal in the facts and circumstances of the present case, calls for no interference and as such the present revision petition being devoid of merits, is therefore, dismissed.

9. Pending misc. application(s), if any, shall also stand disposed of.

25.08.2025
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned ?	Yes/No
Whether Reportable ?	Yes/No