

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.7460 OF 2019
(Arising out of SLP(Civil) No.32786 of 2017)

NAVEEN KUMAR JAIN

APPELLANT(S)

VERSUS

PUSHPLATA SINGH & ORS.

RESPONDENT(S)

O R D E R

Leave granted.

The case of the appellant is that on 21.07.2000 the respondents no.1 to 4, who are alleged owners of the suit property, entered into an agreement to sell the same to the appellant. Admittedly, on 21.07.2000, respondents no.1 to 4 executed a power of attorney in favour of Neeraj Kumar Jain, brother of the appellant. On 10.08.2000, on the basis of this power of attorney, Neeraj Kumar Jain filed a suit challenging the sale made by the legal representatives of Govind Singh, who is alleged to be one of the co-owner of the property. This sale was made on 28.08.1999. The suit filed by the respondents no.1 to 4, through their power of attorney Neeraj Kumar Jain, was decreed on 20.06.2006. The property had been sold by the legal representatives of Govind Singh to the Catholic Diocese, which is the subsequent purchaser.

Therefore, two appeals were filed challenging the judgment and decree dated 20.06.2006, one by the Catholic Diocese and one by the legal representatives of Govind Singh on 21.11.2013. The High Court remitted the matter to the Trial Court to determine whether Govind Singh had Bhoomiswami rights in the property. A finding was returned on 28.02.2015 that Govind Singh had no right in the property. Thereafter, the findings were sent to the High Court. On 04.07.2015, the respondents no.1 to 4 revoked the power of attorney in favour of Neeraj Kumar Jain, brother of the appellant and thereafter on 20.07.2015, the present appellant filed an application that he may be impleaded in the case. This application has been rejected by the High Court holding that the rights of the appellant will not be affected, whichever way the matter is decided and he can have his rights determined in his own suit. The allegation of the appellant is that the respondents no.1 to 4 now want to enter into a settlement with the subsequent purchaser i.e. Catholic Diocese.

We are making it clear that we are not expressing any view on the merits of the case. However, we are clearly of the view that the appellant is at least a proper party, if not a necessary party to the suit. He has a right to urge that the respondents no.1 to 4 had agreed to sell the land to him and in view of the findings given by the Trial Court that Govind Singh had

no right in the property, no right can flow out of the sale deed of 1999 to any party including the Catholic Diocese. In case, he is not made a party in these proceedings, the result would be that he would have to file a separate suit which would just lead to multiplicity of proceedings.

Therefore, we allow the appeal, set aside the order of the High Court and direct the High Court to implead the appellant as a party in both the appeals. We again make it clear that any observation made above is only for impleading the appellant as a party and will not affect the decision of the main case.

.....J.
(DEEPAK GUPTA)

.....J.
(ANIRUDDHA BOSE)

New Delhi
September 20, 2019

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).32786/2017

(Arising out of impugned final judgment and order dated 21-03-2017
in FA No. 367/2006 passed by the High Court Of M.P At Gwalior)

NAVEEN KUMAR JAIN

Petitioner(s)

VERSUS

PUSHPLATA SINGH & ORS.

Respondent(s)

Date : 20-09-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s)

Mr. Puneet Jain, Adv.
Ms. Christi Jain, AOR
Mr. Harsh Jain, Adv.
Mr. Abhinav Deshwal, Adv.
Mr. Harshit Khanduja, Adv.
Mr. Harshvarhan, Adv.
Mr. Neeraj Kumar, Adv.

For Respondent(s)

Mr. Abhinav Agnihotari, Adv.
Mr. B. K. Pal, AOR

Mr. Yadunandan Bansal, Adv.
Mr. Ravinder Kumar Singh, Adv.
Mr. Amit Kumar, Adv.
Mr. Abhijat P. Medh, AORUPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, stands disposed of.

(ARJUN BISHT)
COURT MASTER (SH)(RENU KAPOOR)
BRANCH OFFICER

(signed order is placed on the file)