

**In the High Court of Punjab and Haryana at Chandigarh**

CR No. 1418 of 2015

Date of decision: 30.03.2015

Suresh Chand and others

.....Petitioners

Versus

Parveen Kumar Mittal and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

**Present:** Mr.R.S.Mamli, Advocate  
for the petitioners.

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SABINA, J

Petitioners have filed this petition under Article 227 of the Constitution of India challenging the order dated 9.2.2015 (Annexure P1) whereby application moved by the petitioners under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (for short 'CPC') , was dismissed.

I have heard the learned counsel for the petitioners and have gone through the record available on the file carefully.

In **Rampat versus Shri Mandir Thakur Dwara at Suhra and others** 1988(2) Recent Revenue Reports 257, it has been held as under:-

“In the suit for the grant of the permanent injunction, the plaintiff-petitioner is not seeking any relief against the said institution, rather his claim is that he is in possession of the suit property. In case the Mandir Thakur Dwara claims itself to be the owner of the suit property, that cannot be decided in the

present suit. It is not disputed that any decree passed in the suit for the grant of the permanent injunction will not be binding upon the Mandir Thakur Dwara because no relief is being sought by him against it therein.”

Respondent No.1 has filed the suit for permanent injunction against respondents No. 2 to 4 seeking a direction that they be restrained from interfering in his peaceful possession over the property in dispute. During the pendency of the suit, petitioners moved an application under Order 1 Rule 10 CPC for being impleaded as a party to the suit. The said application was rightly dismissed by the trial Court as respondent No.1 is seeking a direction against respondents No. 2 to 4 to restrain them from interfering in his possession over the property in dispute. Respondent No.1 cannot be forced to implead the petitioners as a party. Moreover, the decree passed in the suit filed by respondent No.1 will not be binding on the petitioners as they are not party to the suit.

No ground for interference is made out.

Dismissed.

**(SABINA)  
JUDGE**

**March 30,2015**

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