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

CR No.2115 of 2015 (O&M)

Date of decision: March 25, 2015

Sarika Aggarwal and another

.....Petitioners

Versus

Yusuf Pal and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vaibhav Sehgal, Advocate
for the petitioners.

SABINA, J

Petitioner has filed this petition challenging the order dated 05.02.2015, whereby application moved by the respondent No.2 under Order 1 Rule 10 of Code of Civil Procedure, 1908 ('CPC' for short), was allowed.

Petitioners have filed suit for permanent injunction against respondent No.1. During the pendency of the suit, respondent No.2 moved an application under Order 1 Rule 10 CPC for being impleaded as a party as the society had purchased the suit property vide sale deed dated 28.04.1983 executed through Court.

Learned counsel for the petitioners has submitted that the application moved by the respondent No.2 was not maintainable. In fact, the remedy available to respondent No.2 was to file a separate suit.

In the present case, although, the plaintiffs have

filed suit against respondent No.1 for permanent injunction, but the case of respondent No.2 is that infact, the society was owner of the property in question. Case of respondent No.2 is that plaintiffs as well as defendants had no concern with the suit property. In view of the plea taken by respondent No.2 that the society was owner-in-possession of the suit property, the learned trial Court had rightly allowed the application filed by respondent No.2 for being impleaded as a party. In fact, now the trial Court would be in a position to dispose of the *lis* between the parties in a fair and just manner. In case, suit filed by respondent No.1 is decreed, respondent No.2 can be unnecessarily harassed by the petitioners, on the basis of the said decree. Respondent No.2 can watch its interest by becoming a party to the suit. Respondent No.2 may not be a necessary party as no relief has been claimed by the petitioners against the said respondent and respondent No.2 will not be bound by the decree passed in the suit for grant of permanent injunction, but respondent No.2 can be described as a proper party. The society can watch its interest by becoming a party to the suit.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

March 25, 2015

m.singh