

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

**Civil Revision No.2636 of 2013 (O&M)**

Date of decision: 30.07.2015

M/s Sharda Cooperative House Building Society Limited  
... Petitioner

versus

Gurdev Singh and others  
.... Respondents

**CORAM: HON'BLE MR. JUSTICE K. KANNAN**

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Present: Mr. Arun K. Bakshi, Advocate,  
for the petitioner.

None for the respondents.

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**K.Kannan, J.** (Oral)

The petitioner, who claimed to be in possession of property under an agreement of sale from the first defendant, has sought for impleadment in a suit instituted by the first defendant brother. The plaintiffs were interested in contending that the power of attorney that they had executed in favour of the first defendant has been revoked by them and the transaction of said power of attorney constituted by the first defendant to the second defendant and the subsequent sale executed by the first defendant to the 3<sup>rd</sup> and 4<sup>th</sup> defendant is not binding on them. The court has declined the relief of impleadment. If a third party, who is in possession, wants to force an adjudication against himself in a suit for recovery of

possession, the applicant takes the risk and since the applicant is prepared to show proof of its possession through an earlier court orders, the court should have allowed for the impleadment as a proper party to prevent any multiplicity of proceedings. A comprehensive decree for recovery of possession or if the plaintiffs' case must succeed could be considered and the petitioner's right could also be adjudicated if the plaintiffs were seeking for recovery of possession. It will help the court to consider even a plea of whether the plaintiffs are entitled to the relief of recovery of possession by taking the adjudication in the presence of the petitioner claiming to be in possession. The order passed already is set aside and the revision petition is allowed. The petitioner shall be permitted to be impleaded as 5<sup>th</sup> defendant and allow the written statement to be filed within a period of 2 week from the date of impleadment and proceed with the trial of the case after framing appropriate issues for the plaintiffs' entitlement for recovery of possession against all the defendants.

**(K.KANNAN)**  
**JUDGE**

30.07.2015  
sanjeev