

120

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

CR No.3010 of 2015

Date of decision: May 04, 2015

Charan Singh

.....Petitioner

Versus

Teja Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Tribhawan Singla, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 26.02.2015, whereby application moved by the petitioner under Order 1 Rule 10 of Code of Civil Procedure, 1908 ('CPC' for short), was dismissed.

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

Respondent No.1 had filed suit for possession by way of partition against respondent No.2. The said suit was decreed by the trial Court vide judgment/decreed dated 16.08.2007 and a preliminary decree of possession by way of partition was passed in favour of respondent No.1. Now, respondent No.1 has approached the trial Court for passing of final decree. During the pendency of the said proceedings, petitioner moved an application for being impleaded as a party on the ground that he was in possession of the suit land on the basis of agreements dated 13.07.1995 and 17.02.2006. The learned trial Court while dismissing the application has noticed that suit for specific performance on the basis of writing dated 13.07.1995 filed by the petitioner, was

dismissed, and appeal against the said decision of the trial Court, was also dismissed on 06.01.2011. Petitioner has also challenged the decree dated 16.08.2007 by filing a separate suit. In these circumstances, the learned trial Court rightly held that the petitioner could not be said to be a necessary party in the proceedings in question.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

May 04, 2015

m.singh