

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CR No. 3494 of 2015

Date of Decision: 20.05.2015

Ramesh Kumar

.....Petitioner

Vs.

Bhagwan Dass Devki Nandan Dharamshala Trust and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Ranbir Singh Sekhon, Advocate,
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 13.03.2015, whereby application moved by the petitioner under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (for short 'CPC'), was dismissed.

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

Respondent No. 1 has filed suit against respondent No. 2 for declaration that the Trust was in possession of the land bearing Khasra No. 834. A perusal of the application filed by the petitioner under Order 1 Rule 10, CPC (Annexure P-2) reveals that the case of the petitioner was that the plaintiff had earlier filed suit relating to Khasra No. 836 by fabricating sale deed dated 01.03.1961. Plaintiff had failed to disclose the pendency of the said suit. Case of the petitioner further is that he was in possession of Khasra No. 836.

Thus, the petitioner had claimed himself to be in possession of Khasra No. 836 whereas the dispute in the present case relates to Khasra No. 834. Since the dispute in the present case relates to Khasra No. 834 whereas the petitioner claims himself to be in possession of Khasra No. 836, the learned trial Court rightly held that the petitioner was not necessary party and could not be impleaded as a party in the suit.

In the facts and circumstances of the case, the impugned order does not call for any interference.

Dismissed.

**(SABINA)
JUDGE**

May 20, 2015
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