

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

CR 4010 of 2015

Date of Decision: July 1, 2015

Dr. Jagbir Singh Jakhar

.....Petitioner

Vs.

Dr. Rajesh Kumar Malik and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-. -

**Present:- Mr.A.K. Bura, Advocate
for the petitioner.**

-. -

M.M.S. BEDI, J. (ORAL)

Counsel for the petitioner submits that with the interim order on interim injunction application passed in favour of plaintiff- respondent in his suit for permanent injunction to restrain the defendant University from promoting various teachers of various departments including Department of Law in Ch. Devi Lal University, Sirsa on the basis of interview conducted by the defendants, the rights of the petitioner are being affected.

Order of interim injunction dated June 10, 2015 has been challenged by the petitioner before this Court claiming that by restraining the defendant University and its Vice Chancellor to effect promotions,

indirectly the rights of the petitioner are being affected though he has not been impleaded as a party. Petitioner appears to have filed an application under Order 1 Rule 10 CPC which is stated to be fixed for July 6, 2015.

I have heard learned counsel for the petitioner and I am of the considered opinion that the order dated June 10, 2015 has been made operative against the petitioner without impleading him as a party. The University has got a legal right to move an application under Order 39 Rule 4 CPC. The similar rights vests in the petitioner by becoming a party to the case. Prima facie the order dated June 10, 2015 will not be operative on the rights of the petitioner as he has not specifically been impleaded as a party. A person not party to a case cannot be prejudiced by any order passed at his back.

Without expression of any opinion on merits of the case at this stage, I am of the opinion that earlier also one Bhupinder Kumar had filed a similar suit and obtained interim injunction without impleading the parties likely to be affected. This Court had disposed of a revision petition bearing CR No. 2232 of 2015, on March 30, 2015- Dr. Raj Kumar Siwach and others Vs. Chaudhary Devi Lal University Sirsa and ors., being premature giving liberty to the affected parties to avail the other alternative efficacious remedy to challenge any order passed, prejudicing their rights by moving an application under Order 1 Rule 10 (2) CPC or any application for intervention under Section 151 CPC or claiming any remedy under the

provisions of Order 43 CPC with a direction to the Court that any such application will be decided expeditiously.

This petition is disposed of as premature at this stage in terms of the order dated March 30, 2015, passed in CR No. 2232 of 2015 with a direction to the trial Court that in case any application is moved under Order 39 Rule 4 CPC by any affected party or any application under Order 1 Rule 10 (2) CPC is filed and an intervention is sought by any affected party, the trial Court shall decide the said application expeditiously preferably within a period of one week after the filing of an application and would ensure that any order / interim order passed should not affect the parties who are not before the Court.

July 1, 2015
sanjay

(M.M.S.BEDI)
JUDGE