

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 4516 of 2015

Date of Decision: July 21, 2015

Ajit Rani

.....Petitioner

Vs.

District Council for Child Welfare and others

.....Respondents

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

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Present:- Mr.Satbir Gill, Advocate
for the petitioner.

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

Respondent No.3 Deepak Kumar has filed a suit against respondents No.1 and 2 challenging a notice issued on August 8, 2014, directing him to vacate Shop No.21 of Bal Bhawan, Sirsa claiming that he is a tenant in the said shop. The petitioner filed an application under Order 1 Rule 10 CPC for getting herself impleaded in the suit claiming that the shop in dispute i.e. Shop No.21 was allotted to Deepak Kumar in 2011 till 2014 but later on the plaintiff had sold and handed over the said shop to the petitioner and that the petitioner has been running a gun house in the said shop as such the petitioner is a necessary party being in possession.

Vide impugned order, the said application has been dismissed by the trial Court observing that the applicant is in fact the mother of the plaintiff and that without their being any sufficient material on the record, the petitioner cannot be said to be a necessary and proper party to the suit. So far as the impugned notice dated August 8, 2014 is concerned, it merely refers to leasing out of the shop to petitioner Ajit Rani.

Learned counsel for the petitioner has vehemently argued that the factum of petitioner being in possession of the shop in dispute stands admitted by defendant- respondents No.1 and 2 as such she is a necessary party.

I have heard learned counsel for the petitioner and I am of the opinion that the plaintiff has challenged a notice dated August 8, 2014 issued to him by respondents No.1 and 2 but no notice seems to have been served upon petitioner Ajit Rani who is trying to jump into the litigation claiming that her right, title and interest in the property are being prejudiced.

I have considered the facts and circumstances of the case and I am of the opinion that in case the petitioner has got any right, title and interest in the property in dispute it will be open to her to protect the same by taking an independent remedy. Besides this, in case she has not been impleaded as a party, any order passed in the litigation would not be effective on her rights and interests in the property, if any.

In view of the above, the revision petition is disposed of without prejudice to the rights of the petitioner to avail an independent legal remedy available to her.

July 21, 2015
sanjay

(M.M.S.BEDI)
JUDGE