

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.4872 of 2015

Date of Decision.05.08.2015

Surinder Pal

.....Petitioner

Versus

Parmod Kumar and others

.....Respondents

Present: Mr. Ashok Giri, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. In a suit for recovery of possession filed by the plaintiff against one Narender Singh, a third party sought for impleadment contending that Narender Singh was his tenant and he delivered possession of the property in 2001 itself. According to him, it is only petitioner-third party who was in possession and the suit had been filed against a person who was not at all in possession. It was also brought out at the time when the application was moved that Narender Singh had expired and the plaintiff had not even taken steps to implead the legal representatives.

2. The court had dismissed the petition on the ground that Narender Singh is represented through counsel and if he died more than one year back, the application was being moved at the belated stage. The petitioner's claim is based on some unregistered receipts alleged to be proof of his possession from the year 2001. It is not possible for me

to enter any finding regarding the authenticity of these documents brought for consideration without any evidence relating to the said document available before the Court below. The better prospect for the petitioner to prove his own possession shall be to institute an independent suit, if he has apprehension that the plaintiff might use any decree that he obtains against Narender Singh as his heir and dispossess the petitioner if his claim to possession is true. The petitioner has other efficacious and appropriate remedy and I do not think any more time be wasted in these proceedings for only considering whether the petitioner must be impleaded as party or not. Such impleadment may only give rise to further conflicts which I do not think is necessary to involve the case with.

3. The order is maintained. The revision petition is dismissed but the petitioner will have the liberty to seek for appropriate legal redress in the manner outlined above.

(K. KANNAN)
JUDGE

August 05, 2015
Pankaj*