

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

CR No. 5613 of 2013 (O&M)

Date of decision: October 30, 2015

Mohinder Singh and another

...Petitioners

Versus

Harvinder Singh and others

...Respondents

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?

Present: Mr. Naresh Kaushal, Advocate,
for the petitioners.

K. KANNAN, J. (Oral)

1. In a suit for injunction brought by a person against the Gram Panchayat claiming the property as being in his possession and that the Gram Panchayat was attempting to indulge in acts that caused threat to his peaceful possession, a third party application was filed by the revision petitioners seeking for impleadment on the ground that the applicants were *khewatdar*, the property being *jumla mustarkan* property and that the relief of injunction could not be granted. The court has rejected the application for impleadment.

2. I find no error in the order for intervention for a suit for injunction by a person claiming to be in possession cannot be enlarged in its scope by persons claiming to be proprietors and that no relief of injunction could be granted in relation to the property of which the petitioners are the

proprietors. If the petitioners feel threatened that the plaintiff may make wrong assertion of rights by getting a court decree and their own status as proprietors will be put into jeopardy, the proper remedy for them will be to bring their own suit for such declaratory relief. A suit for a bare relief of injunction cannot be enlarged only to accommodate a third party's fancy that his proprietorship must be declared. A third party cannot be taken as aggrieved by any action in relation to the said property for his own rights cannot be wished away by any collusive action between the plaintiff and the gram Panchayat. Dismissal of the application for impleadment was justified and I find no reason to interfere.

3. The revision petition is dismissed.

October 30, 2015
prem

(K.KANNAN)
JUDGE