

In the High Court of Punjab and Haryana at Chandigarh

CR No.5734 of 2013

Date of decision: 20.07.2015

Amarjit Singh

.....Petitioner

Versus

Rajender Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr.R.S.Mamli,Advocate for the petitioner.
Mr.R.S.Budhwar,Advocate for respondent No.1.

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SABINA, J

Petitioner has filed this petition under Article 227 of the Constitution of India challenging the order dated 8.8.2013 (Annexure P1.) .

Learned counsel for the petitioner has submitted that the Sarpanch of the Gram Panchayat had colluded with the plaintiff and was not pursuing the case. Hence, it was very necessary in the interest of justice to implead the petitioner as a party to the suit.

Learned counsel for respondent No.1, on the other hand, has opposed the petition.

Plaintiff-respondent No.1 has filed a suit for declaration that he was owner in possession of the land measuring 4 marlas. Plaintiff has also challenged the order passed by the Assistant Collector First Grade dated 23.3.2004 and order passed by the

appellate authority. During the pendency of the suit Gram Panchayat was proceeded ex-parte. Petitioner moved an application under Order 1 Rule 10 of the Code of Civil Procedure, 1908 for being impleaded as a party on the ground that the petitioner and all the villagers were facing lot of difficulty on account of encroachment made by the plaintiff over the land in question. The Sarpanch was not pursuing the suit.

Learned trial Court had rightly dismissed the application moved by the petitioner as the petitioner could not be impleaded as a party to the suit which had been filed by the plaintiff seeking relief against the Gram Panchayat.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

July 20,2015
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