

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

CR No.6105 of 2015

Date of decision: 17.09.2015

Amarjit Kaur

...Petitioner

versus

Jagtar Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Janak Singh Bhinder, Advocate,
for the petitioner.

RITU BAHRI, J.

Challenge in this petition is to the order dated 28.07.2015 (Annexure P-5) passed by the Additional Civil Judge (Senior Division), Mansa, whereby application filed by the petitioner under Order 1 Rule 10 CPC has been dismissed.

Plaintiffs-Jagtar Singh etc. filed the present suit for permanent injunction restraining the defendants from forcibly dispossessing the plaintiffs from the suit land measuring 24 Kanals 5 Marlas, which they have purchased from the defendants. The plaintiffs and defendants have become co-sharers. Vide order dated 23.12.2014, the total land measuring 89 Kanals 11 Marlas was partitioned by A.C. Ist Grade (Naib Tehsildar). After the partition proceedings, plaintiffs have become owners in possession of the suit land. At the time of partition proceedings, the present petitioner had made an application for being impleaded as party, which was dismissed.

Learned counsel for the petitioner has informed that the petitioner has filed an appeal against the partition proceedings.

Since in the partition proceedings, the petitioner was not a contesting party, she has no direct interest in the present litigation also and her application has been rightly dismissed by the trial Court. Moreover, entries in favour of the plaintiffs have already been incorporated in the revenue record. Therefore, the petitioner is not required to be impleaded as party defendant in the suit.

No ground is made out to interfere in the impugned order.

Dismissed.

(RITU BAHRI)
JUDGE

17.09.2015
ajp