

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6224 of 2015 (O/M)
Date of decision : 21.9.2015

Baljeet Singh

..... Revisionist

Versus

Smt. Vidya Rani and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Malkeet Singh, Advocate, for the revisionist.

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

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 27.1.2015 (Annexure-P-3), passed by the learned Civil Judge (Junior Division), Ludhiana, vide which the application filed by Amar Nath-respondent No. 2 to make him party under Order 1 Rule 10 of Code of Civil Procedure, 1908 (in short 'CPC'), was allowed.

I have heard the learned counsel for the revisionist and have also carefully gone through the file.

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Briefly stated, Amar Nath claimed that Vidya Rani, who had executed agreement of sale dated 8.6.2009, was original the owner of land measuring 30 kanals 14 marlas alongwith Shakuntla Rani wife of Amar Nath in equal share. After the death of Shakuntla Rani, Amar Nath has become the owner of the said property. It is claimed that Vidya Rani had already sold the land more than her share. The lower Court after hearing both the parties has come to the conclusion that the applicant is proper party.

I am of the view that there is agreement of sale. The applicant has got substantial claim in the land and he is the proper person to tell the Court as to whether Vidya Rani was left with any title in the remaining part of the land or not. The possibility of any collusion between the plaintiff and Vidya Rani (defendant) cannot be rule out. Hence, the presence of Amar Nath was necessary to bring all the facts to the notice of the Court. There is no ground to interfere in the impugned order.

Learned counsel for the revisionist has referred to authority of the Hon'ble Supreme Court in Mumbai International Airport Pvt. Ltd. Versus Regency Convention Centre and Hotels Pvt. Ltd. and others, 2010 AIR (SC) 3109, wherein a person, who was expecting to get lease of property from the seller, was not allowed to become a party.

The facts of that case are different from the facts of the

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present case. Here, the presence of applicant is necessary to apprise the Court about the real facts, so that the original party to the agreement may not collude to mislead the Court.

The present revision is accordingly dismissed.

(KULDIP SINGH)
JUDGE

21.9.2015
sjks