

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 6447 of 2013 [O&M]
Date of Decision : February 20th, 2015

Bharat Petroleum Corporation Limited

.... Petitioner

Versus

M/s Telu Ram Hans Raj Thapar and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON

Present Mr. Raman Sharma, Advocate,
for the petitioner.

Mr. Sanjay Vashishth, Advocate
for respondents No. 2 and 3.

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Dr. BHARAT BHUSHAN PARSOON, J.

Order dated 20.07.2013 [Annexure P/10 [passed by the lower Appellate Court calling upon the parties to the suit to maintain status quo regarding possession of the suit land and restraining the respondents from disrupting the fuel supply to the fuel filling station of the appellants installed in the land in dispute, is under challenge by petitioner – Bharat Petroleum Corporation Limited [for short, “the Corporation”], which is not a party to the litigation.

2. It is claimed by the petitioner - Corporation that when it is neither a party nor is having any concern with the litigation in dispute, the Court below could not bind the petitioner – Corporation by its order. The impugned order dated 20.7.2013 for ready reference is reproduced on the next page:-

“Present : Sh. Vineet Jaidka, Advocate, counsel for appellants.

This appeal is received by way of entrustment. Heard.

Fairly arguable points in this appeal. Hence, it is admitted for hearing. Notice to the respondent be issued on PF and copy of memorandum of appeal for 16.9.2013. Trial court file be requisitioned for said date. In the meantime, the parties are directed to maintain status quo position regarding possession of the suit land as detailed in the head-note of the plaint. The respondents are also restrained from disrupting the fuel supply to the fuel filling station of the appellants installed in the land in dispute. Notice of stay application be also issued to the respondent on PF for said date.”

3. It is a conceded fact by the counsel for the respondents that the petitioner – Corporation is not a party to the litigation. This order, thus, cannot bind a non-party to the litigation. When neither any directions have been issued to the petitioner-Corporation nor any notice of said application had been sent to it and rightly so because the petitioner is not a party, there was absolutely no need for the petitioner to rush to this Court for challenging the impugned order. It is clear that the impugned order operates only against the parties to the litigation before the Court below which includes respondent - Municipal Corporation, Moga.

4. The order clearly enough is not operative against the petitioner -Corporation which has unnecessarily felt tremorised with the order.

5. No merit. Dismissed.

(Dr. BHARAT BHUSHAN PARSOON)
JUDGE

February 20th, 2015
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1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?