

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 6449 of 2014

DATE OF DECISION : November 03, 2015

Manjit Kaur

..... PETITIONER(S)

VERSUS

Baldev Singh & anr.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. H.S. Batth, Advocate, for the petitioner.

...

1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO
2. To be referred to the Reporter or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

...

ARUN PALLI, J. (Oral)

Vide order being assailed, dated 13.08.2014, rendered by Civil Judge (Junior Division), Patti, an application moved by respondent No. 2-Sushil Kumar, to be arrayed as party defendant to the lis, has since been granted.

In an application moved by respondent No.2, it was maintained that the plaintiff had filed the suit in connivance with

defendant-Baldev Singh. And the plaintiff had wrongly claimed himself to be in possession of the suit property. Whereas, applicant-respondent No.2 had purchased the disputed Khasra numbers along with other property from Gurdeep Singh son of Shingara Singh, pursuant to a sale deed dated 12.05.2006, for a valuable consideration of Rs. 8 Lacs. Further, respondent No.2 having acquired a title in the suit land, he along with one Avtar Singh were owners in possession of the alleged Khasra numbers.

The application was opposed being not maintainable and mala fide and having been moved to delay the proceedings.

On an analysis of the matter in issue, learned trial court accepted the application moved by respondent No.2 and the conclusion arrived at in support of its order, reads thus:-

“Before deciding the present application, it is very much necessary to go into the details of the present case. The present case was filed by the plaintiffs seeking a permanent injunction with the claim that he is owner in possession of the suit property but the suit property has been claimed to be purchased by the applicant and therefore, in order avoid the multiplicity of the suit, it is necessary that rights of the applicant should also be decided. Moreover, it can be safely presumed that no effective decree can be passed without hearing the applicant.”

Concededly, respondent No. 2 i.e. Sushil Kumar claims himself to be a bona fide purchaser for consideration of the suit land, pursuant to a sale deed dated 12.05.2006. In the absence of any interim order by this Court, the matter is being tried by the civil court and respondent No.2 is

participating in the proceedings since 13.08.2014, when he was arrayed as party.

That being so, no interference is warranted in exercise of revisional jurisdiction under Article 227 of the Constitution of India. Petition being devoid of merit is, accordingly, dismissed in limine.

NOVEMBER 03, 2015
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(ARUN PALLI)
JUDGE