

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

CR No.708 of 2015

Date of Decision:-02.02.2015

Haryana Urban Development Authority & Ors.

.....Petitioners.

Versus

Siri Pal & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Raman Gaur, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Defendant-Haryana Urban Development Authority is in revision assailing the order dated 13.01.2015 (P-3) passed by the learned Civil Judge(Sr. Divn.), Gurgaon whereby their application under Order 1 Rule 10 CPC for impleading the Land Acquisition Collector, Gurgaon has been dismissed.

Having heard learned Counsel for the petitioner at length this Court finds no fault with the impugned order.

It is not in dispute that some land of the plaintiff was acquired by the Land Acquisition Collector, Gurgaon years back for establishing sectors. The plaintiff had filed a writ petition against the acquisition for his land and consequent to the order dated 16.08.1999 passed by this Court in CWP No.17727 of 1998 the residential house of the plaintiff along with 40% area as vacant land was not acquired/released.

The plaintiff has now filed a suit with the averments that the officers of the defendant-HUDA came to the suit property on 27.6.2012 with JCB Machines and have demolished portion of their houses being an encroachment. Hence the prayer for mandatory injunction, recovery of damages and permanent injunction. In the said suit after the entire evidence of the plaintiff is over and defendant-HUDA has availed three effective opportunities to lead their evidence, an application dated 27.11.2014 for impleadment of LAC Gurgaon was made.

This Court is in agreement with the reasoning adopted by the lower Court as firstly the plaintiff is the *dominus litis* of his own suit and also he has claimed no relief against the Land Acquisition Collector, Gurgaon. It appears to be an effort only to delay the conclusion of the trial since the applicants/defendants have already availed several effective opportunities without their being any effective evidence led.

In view of the above, finding no merit in the present revision petition the same is hereby dismissed with costs of Rs.10,000/- to be deposited with State Legal Services Authority, Gurgaon.

(JASWANT SINGH)
JUDGE

February 02, 2015
Vinay