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

**CR No.7091 of 2014**

**Date of decision: March 10, 2015**

Gram Panchayat

.....Petitioner

Versus

Joginder Singh and others

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SABINA**

**Present:** Mr. S.K. Verma, Advocate  
for the petitioner.

None for the respondents No.1 and 2.

Mr. P.S. Poonia, Advocate  
for the proforma-respondents No.3.

**SABINA, J**

Petitioner has filed this petition challenging the order dated 04.07.2014, whereby application moved by the petitioner under Order 7 Rule 11 of Code of Civil Procedure, 1908 ('CPC' for short), was dismissed.

Learned counsel for the petitioner has submitted that respondent No.1 had filed suit for permanent injunction. During the pendency of the suit, an application was moved by respondent No.1 under Order 1 Rule 10 CPC for impleading respondent No.3 as defendant No.2. The said application was allowed vide order dated 11.08.2011. However, while filing the amending title, respondent No.1 also impleaded his wife Darshna Bai as plaintiff No.2 without any such permission.

Petitioner moved an application on 30.07.2012 for dismissal of

the suit, but the said application was dismissed by the trial Court vide impugned order dated 04.07.2014 (Annexure P-10).

None has appeared on behalf of respondents No.1 and 2 despite service. So far as respondent No.3 is concerned, it is proforma party.

Respondent No.1 had filed suit for permanent injunction restraining defendant Gram Panchayat-petitioner in his peaceful possession qua the house in question. During the pendency of the suit, respondent No.1 moved an application (Annexure P-2) under Order 1 Rule 10 CPC for impleading respondent No.3 as a party. Reply was filed to the said application by the petitioner. Vide order dated 11.08.2011 (Annexure P-4), the said application was allowed and the case was adjourned for filing of the amended title.

Thus, vide order dated 11.08.2011, respondent No.3 was allowed to be impleaded as a party. In pursuance to the said order, respondent No.1 filed the amended title. While placing on record amended title, respondent No.1 has not only impleaded respondent No.3 as Defendant No.2, but has also impleaded his wife Darshana Bai as Plaintiff No.2, although, there was no pleading or order with regard to impleadment of Darshana Bai as Plaintiff No.2. Thereafter, petitioner moved an application (Annexure P-8) under Order 7 Rule 11 CPC for rejecting the plaint. The said application was dismissed by the trial Court vide impugned order dated 04.07.2014. Hence, the present petition.

So far as the finding of the trial Court to the effect that respondent No.1 had been permitted to place on record amended title of the plaint, is concerned, the same is liable to be upheld. Trial Court while allowing the application moved by respondent No.1 under Order 1 Rule 10 CPC had granted permission to respondent No.1 to place on record the amended title. However, while placing on record amended title of parties, respondent No.1 had impleaded Darshana Bai as plaintiff No.2 without their being any order in this regard.

In these circumstances, the impugned order dated 04.07.2014 (Annexure P-10) is modified to the extent that the name of respondent No.2/plaintiff No.2 is ordered to be deleted from the array of parties in the amended title.

Petition stands disposed of, accordingly.

**(SABINA)  
JUDGE**

**March 10, 2015**  
*m.singh*