

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.7498 of 2013.

Decided on:-January 30, 2015.

Dalip Singh and anotherPetitioners.

Versus

State of Haryana and othersRespondents.

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

Argued by:- Mr. Rajinder Goyal, Advocate
for the petitioners.

None for the respondents.

Dr. Bharat Bhushan Parsoon, J.

Order dated 26.4.2013 of the lower court vide which application under Order I Rule 10 CPC of applicant Ram Saran seeking impleadment as defendant No.3 was allowed by the lower court is under challenge in this revision petition.

2. A suit filed by the plaintiffs, petitioners herein, is pending adjudication before the lower court since 24.8.2012, wherein a decree of permanent injunction has been sought against defendants No.1 and 2, respondents No.1 and 2 herein, regarding interference in the house of the plaintiffs and passage leading to that. Applicant Ram Saran, respondent No.3 herein, has also a house in the lane in question. It is claimed by the applicant that the plaintiffs, petitioners herein, have blocked the street illegally and

unlawfully by constructing Pucca house at Chabutra due to which waterlogging in the street in front of the house of the applicant is causing great inconvenience to the inhabitants for ingress and egress to their respective houses in the lane. Finding merit in the application, applicant Ram Saran was allowed to be impleaded as defendant No.3. The plaintiffs, petitioners herein, have challenged this order claiming that the applicant has no right, title or interest in the litigation and is merely trying to complicate the issue to further delay rendering of decision of the suit.

3. There is no appearance on behalf of the applicant, respondent No.3 herein.

4. Perusal of the paper book reveals that the applicant, respondent No.3 herein, is not a stranger to the litigation. He has also a house in the lane. His specific allegations are that the plaintiffs, petitioners herein, have raised an unauthorised construction over the land in question causing inconvenience to the inhabitants of the neighbouring houses in the lane. In these circumstances, when specific allegations have been made by the applicant, respondent No.3 herein, against the plaintiffs-petitioners and it has also come on record that ejectment orders had already been passed against the petitioner-plaintiffs by Assistant Collector I Grade, Kaithal, the applicant, respondent No.3 herein, has vital interest as also right and stakes in the litigation and in the user of the lane in question. By joining of applicant, respondent No.3 herein, as defendant No.3, neither any harm is likely to be caused to the plaintiffs, petitioners herein, nor their right, title or interest in the litigation would be jeopardised. Rather, joining of respondent No.3 in the litigation would be helpful for adjudication, more competently and effectively as also completely and wholesomely.

5. Keeping in view the totality of facts and circumstances as discussed earlier, the application under Order I Rule 10 CPC (Annexure P-3)

was rightly allowed by the lower court vide impugned order dated 26.4.2013 (Annexure P-5).

6. Sequelly, no ground to interfere with the impugned order is made out which is correct on facts as also in law and has no infirmity. Sequelly, affirming the impugned order, this petition, being devoid of any merit, is dismissed.

(Dr. Bharat Bhushan Parsoon)
Judge

January 30, 2015

'Yag Dutt'

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