

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

Civil Revision No.830 of 2012 (O&M)

Date of decision: 23.03.2015

Charanjit Singh

... Petitioner

versus

Harjit Kaur and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.M.L.Saggar, Senior Advocate,
with Mr.Gaurav Grover, Advocate,
for the petitioner.

Mr. Joginder Sharma, Advocate,
for respondents 1 to 4.

Mr. Fariad Singh Virk, Advocate,
for respondent No.5.

1. Whether reporters of local papers may be allowed to see the judgment ? **Yes.**
2. To be referred to the reporters or not ? **Yes.**
3. Whether the judgment should be reported in the digest ? **Yes.**

K.Kannan, J. (Oral)

1. A third party has moved an application for impleadment in a suit for injunction filed by one Harjit Kaur. The defendant has filed written statement and has made a counter claim that he is the owner of the property and, therefore, the relief of injunction cannot be granted. The third party has sought for impleadment stating that he has got a decree in respect of the very same subject matter and that therefore he should be impleaded as a co-defendant for an adjudication regarding title.

2. A counter claim in the very nature of things can be only by the defendant against a plaintiff. A co-defendant that sets up a rival title cannot have an adjudication under the provisions of Order 8 Rule 6A CPC. This has been held so in the judgment in **Rohit Singh Vessus State of Bihar (now Jharkhand)-(2006) 12 SCC 734.**

The impleadment will only cause a confusion at the trial and if a third party has come by information that the defendant in a suit is laying a false claim to the property, he may use that instance for filing his own suit against the defendant or he may figure as a witness for a plaintiff if the plaintiff chooses to examine him and produce appropriate evidence to ensure that the defendant's attempt to secure title does not get the better of his right.

3. The impleadment ordered by the court below was erroneous and is liable to be set aside. It is set aside and the civil revision is allowed on the above terms.

(K.KANNAN)
JUDGE

23.03.2015
sanjeev