

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Revision No.8209 of 2014

Date of decision: 10.08.2015

Baljeet Singh

.....Petitioner

versus

Harish Chander and another

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Gurcharan Dass, Advocate for the petitioner

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Respondent served through counsel but not present.

Impugned in the present revision is the order dated 12.11.2014, passed by the learned Civil Judge, Junior Division, Ludhiana vide which application of the present revisionist under Order 1 Rule 10 CPC for becoming party was dismissed.

Brief controversy is that one Harish Chander has filed a suit for permanent injunction against Dr.Sonia Hora wife of the present revisionist, seeking injunction against her from interfering in the peaceful possession of the portion of the disputed property situated in Sant Ishar Singh Nagar, Ludhiana.

I have heard learned counsel for the petitioner and have also carefully gone through the file.

Learned counsel for the petitioner has contended that in

the family settlement, disputed property had fallen to the share of the present revisionist and that it was to be handed over to him. However, the tenant has filed a collusive suit against wife of the present revisionist for injunction. Litigation is also pending between the present revisionist and his wife. Therefore, fear of the learned counsel for the revisionist is that decree obtained in this case will be used against him.

I am of the view that in a suit for injunction when the plaintiff has no threat from the present revisionist, he cannot be forced to fight against the present revisionist. However, to allay the fear of the present petitioner, it is ordered that the decree, if any passed against wife of the present revisionist, will not be binding on him. It shall always be open to him to file separate suit against said Harish Chander or his wife, seeking appropriate relief.

With these observations, the present revision is disposed of.

10.08.2015
gk

(Kuldip Singh)
Judge