

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.8590 of 2015 (O&M)

Date of Decision.18.12.2015

Randhir Singh and another

.....Petitioners

Vs.

Mangal Singh and others

.....Respondents

Present: Mr. Sanjiv Gupta, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. The plaintiff who has filed a suit for declaration of his right as an occupancy tenant as having been enlarged as to that of an owner against the persons who are the original owners of the property was confronted with an application for impleadment at the instance of the third party who claimed himself to be a co-owner with the plaintiff. The application has been ordered and hence, the revision petition.

2. The grievance is twofold. One, that the person who seeks for such an impleadment has not brought any record to say that he was the co-owner. It was the further contention that the Court below has already observed that he is the co-owner even without any document which is grossly prejudice to the plaintiff's case.

3. The issue of whether he is really a co-owner or not will be a matter for adjudication in suit and any observation made by the Court that he is the heir at law will be taken as not binding on the plaintiff.

The matter has to be established in the Court's appraisal. The objection that the application before the Court below did not have any document will be best reserved for the adjudication in the suit itself and will not be pre-judged now. I do not find any prejudice could result by the impleadment of person who claims right at par with the plaintiff.

4. I make no intervention with the impugned order but I dispose of the revision petition with the above observations.

(K. KANNAN)
JUDGE

December 18, 2015
Pankaj*