

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

Date of decision:09.02.2015.

Ajmer Singh

.....Petitioner

v.

M/s Shree Sangmeshwar Mahadev and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Arvind Bansal,Advocate for the petitioner

Jaswant Singh,J.(Oral)

Defendant no.3, owner of the suit land is in revision assailing the order dated 13.1.2015 passed by Civil Judge (Junior Division) Kaithal whereby application of the plaintiff for impleading State of Haryana through Collector/ Deputy Commissioner,Kaithal, has been allowed.

It is apparent that the respondent/plaintiff-a partnership firm has filed a suit seeking to restrain defendant no.3 from executing any fresh lease deed in favour of defendant no.4 since it already has a lease deed in its favour although it is stated to have expired. It is also not in dispute that the plaintiff is operating a brick kiln in the suit land under a licence issued by the State of Haryana. It is also not in dispute that the petitioner/defendant no.3 had taken an objection in his written statement regarding non-joinder of the necessary parties.

After hearing the learned counsel for the petitioner this

RAJINDER PRASAD JOSHI
2015.02.11 11:39
I attest to the accuracy and
authenticity of this document
High Court, Chandigarh.

Court finds that the present revision petition is devoid of any merits.

In the facts of the case the learned trial court has rightly noticed that State is a necessary party without whom the suit cannot proceed. No doubt, the application for impleadment has been made at a later stage, however, no prejudice appears to have been caused to the petitioner/defendant no.3.

Dismissed.

09.02.2015
joshi

(Jaswant Singh)
Judge