

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

C.R. No.1443 of 2016 (O&M)

Date of Decision.29.02.2016

Rajender Singh

.....Petitioner

Vs.

Lala Ram and others

.....Respondents

Present: Mr. Rajiv Sharma, Advocate
for the petitioner.

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. In a suit for partition in relation to several properties, the defendant made claim in relation to particular item of the property as belonging to the Gram Panchayat and that it was sold to the defendant by the Gram Panchayat. The defendant, therefore, filed an application for impleadment of the Gram Panchayat as party in the partition proceedings. The Court below has declined to implead.

2. I will find that there is no purpose served by impleading the Gram Panchayat. The plaintiff who sues for partition and separate possession will have to prove that he is in joint possession with the defendant in relation to the property set up by the defendant as belonging to Gram Panchayat originally. If the plaintiff does not give such proof, the plaintiff's claim in relation to the property will be dismissed on the basis of the defence that the property belongs to Gram

Panchayat and that it was not shown to be the property belonging to the

plaintiff jointly with the defendant or the Gram Panchayat. If the plaintiff himself could not seek for partition with the Gram Panchayat and the Gram Panchayat is not also making any claim in relation to the property but it is only the defendant who is making a defence that the property is not partible, then the defendant will be competent to cite the Gram Panchayat as witness at the appropriate time to source his own title to the Gram Panchayat and disprove the plaintiff's contention that the property was ever held jointly by the plaintiff and defendant. There is no prejudice that can be said to be caused by the order declining the impleadment.

3. I make no intervention. The revision petition is dismissed.

(K. KANNAN)
JUDGE

February 29, 2016
Pankaj*