

Civil Revision No. 1596 of 2015
Date of Decision: `18.5.2016

Joginder Singh

---Petitioner

versus

Chanan Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. B.S.Bhalla, Advocate
for the petitioner

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

The present petition has been directed against order dated 18.12.2014(Annexure P-5) passed by the Civil Judge (Junior Division), Moga, dismissing application of the petitioner filed under Order 1 Rule 10 of the Code of Civil Procedure (in short "CPC") for impleading him as a party in a suit for possession by way of specific performance of the agreement to sell dated 15.6.1992.

Counsel for the petitioner has submitted that as the petitioner is in possession of the suit land and his plea in this regard has been upheld in the earlier litigation initiated by him and the respondents/plaintiffs have sought a decree for possession, though by way of specific performance of the agreement to sell, he being a necessary party to contest claim of the respondents/plaintiffs, is required to be impleaded on the array of

defendants to protect his interest.

I have heard counsel for the petitioner, perused the paper book particularly the impugned order.

The earlier litigation initiated by the petitioner was proceedings under Section 6 of the Specific Relief Act, 1963 wherein he claimed dispossession from the land involved in the litigation and restoration of his possession. The mere fact that the petitioner claims himself to be in possession of the suit property is not sufficient to implead him as a party in a suit for possession by way of specific performance of the agreement to sell. On the contrary, in case suit filed by Chanan Singh and others is decreed and in execution thereof, the petitioner is sought to be dispossessed, he would be at liberty to take recourse to appropriate remedy, in accordance with law, by filing an objection petition during execution proceedings. In this view of the matter, I do not find any merit in contention of the petitioner that he is a necessary party to be impleaded in the suit.

For the foregoing reasons, the petition fails and is accordingly dismissed.

(Rekha Mittal)
Judge

18.5.2016
PARAMJIT