

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1691 of 2015
Date of decision : May 4, 2016

Sunil Kumar Basand Rai and Co.

..... Petitioner

Versus

Mohinder Nath Bhalla and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. G. S. Brar, Advocate
for the petitioner.

Mr. Rajeev Sharma, Advocate for
Mr. C. S. Sodhi, Advocate
for the respondents.

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?

Amit Rawal, J (oral).

The petitioner-applicant is aggrieved of the dismissal of application seeking impleadment as defendant No.3 in a civil suit claiming permanent injunction to the effect that defendant Nos. 1 and 2, their attorneys, assignee, representatives, servants, associates, confederates, relatives and/or any body else acting for or on behalf of them be restrained from dosing/blocking/obstructing the doors marked D-1, D-2 and D-3, shutter, windows marked as W-1 and VV2 and ventilator marked as V-1 and Parnala marked as P-1 and P-2 and P-3 of the house of the plaintiffs opening towards the passage/rasta/path shown red in the site plan attached marked

ABCDEFGH which is the portion of khasra No.249/104 situated in the area of Chaauni, Lakkhar Mandi within the municipal limits of Phillaur and further restraining them from encroaching upon the passage/rasta.

Mr. G. S. Brar, learned counsel appearing on behalf of the petitioner submits that petitioner purchased the plot measuring 2 Kanals 18 Marlas in an open auction conducted by PUDA on 21.11.2000 for a total sale consideration of ₹1,02,66,000/- and 25% of the amount stood already deposited. The allotment letter has been issued and when the petitioner started raising construction, came to know that respondents-plaintiff Nos. 1 to 3 instituted a suit claiming aforementioned relief, which at that time was already at the stage of final arguments but still the plaintiffs are in illegal possession of some area and therefore injunction granted would seriously effect the title and interest, much less other interest, thus the impleadment sought is essential and necessary for adjudication of the lis.

Mr. Rajeev Sharma, learned counsel appearing on behalf of the respondents-plaintiffs Nos. 1 to 3 submits that there is no issue of title involved, only injunction had been sought, therefore, no right and title of the petitioner-applicant would be effected. Moreover respondents-plaintiffs are dominus litus.

I have heard learned counsel for the parties and appraised the paper book and of the view that earlier also an application under Order 1 Rule 10 CPC was filed on behalf of the petitioner in his individual capacity, the same was not on behalf of the partner of the Company whereas allotment was in the name of the

Company, therefore the same was dismissed on 19.1.2005.

Be that as it may, the issues framed in the
aforementioned case reads thus:-

“1. Whether the plaintiff is entitled to permanent
injunction as prayed for?OPP

2. Whether the present suit is not
maintainable?OPP

3. Relief.

On perusal of the issues it is seen that no issue of
title and right is involved against the respondents-plaintiffs and that
will not clothe them title, much less the grievance of the applicant-
petitioner is against PUDA in not handing over the possession. He
shall be at liberty to seek vindication of his grievance by moving an
appropriate application or instituting an independent suit against
PUDA but not in the manner and mode as has been adopted,
particularly when the suit has reached the stage of final arguments.

I do not find any illegality and perversity in the
impugned order and the same cannot be said to have been passed
without jurisdiction.

The revision petition is devoid of merits.
Accordingly the same is dismissed.

(AMIT RAWAL)
JUDGE

May 4, 2016
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