

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

CR No.1962 of 2016(O&M)

Date of decision:16.3.2016

Vijay Kumar Sharma

....Petitioner

VERSUS

Lal Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Brijender Kaushik, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

The present petition has been directed against order dated 08.02.2016 passed by Civil Judge (Junior Division), Ambala, dismissing application of the petitioner under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (in short 'CPC') for being impleading as a party.

Counsel for the petitioner would submit that though the suit property is owned by Union of India but the petitioner is held entitled to possessory rights thereof vide judgment dated 19.01.1979 (Annexure P-3). Respondents No.1 and 2 have framed the suit to be a simplicitor suit for permanent injunction for restraining respondents No.3 and 4 from interfering into their lawful and peaceful possession of suit property but in essence they are seeking adjudication of their claim being owner of the suit land. It has been argued that in view of claim of the petitioner accepted vide judgment dated 19.01.1979 (Annexure P-3), the petitioner is required to be impleaded as a party for effective adjudication of the matter in controversy and to protect his interest in the suit land.

I have heard counsel for the petitioner, perused the records particularly plaint (Annexure P-1) of the suit instituted by Lal Singh and another.

In para 2 of the plaint, there is a reference to the effect that Sh. Hari Singh, father of the plaintiffs, used to be owner in possession of Bungalow No.150 and cultivated its land i.e. 8.61 acre for vegetable purposes and he died on 27.11.2000. In para 4, it has been alleged that defendants No.1 and 2 (Ram Pal Singh and Nain Pal Singh) have started interfering into the suit land by saying that they have purchased the land from its alleged owner in spite of the fact that owner of land and bungalow is government and defendants No.1 and 2 and their alleged owner have got no concern or right or title in the suit land.

As the contesting respondents have filed a simplicitor suit for injunction against interference in their possession of suit land by respondents No.3 and 4 (defendants No.1 and 2) and the plaintiffs/respondents are the *dominus litis*, in absence of any apprehension or threat perception qua interference in their possession by the present petitioner, he cannot claim to be a necessary party in the instant suit.

In view of the above, I do not find any error much less illegality in the impugned order that would warrant intervention. The petition is, accordingly, dismissed in *limine*.

MARCH 16, 2016
'D. Gulati'

(REKHA MITTAL)
JUDGE