

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

CR No. 2125 of 2016(O&M)

Date of decision: 21.04.2016

Jagir Singh

..... Petitioner

Versus

Sukhwinder Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.H.S.Bath, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 23.02.2016 passed by the learned Civil Judge (Jr. Division), Kharar, whereby the application moved by the petitioner under Order 1 Rule 10 read with Section 151 Code of Civil Procedure, 1908 (for short CPC) for impleading Amar Singh son of Gajjan Singh as party to the suit has been dismissed.

2. Learned counsel for the petitioner contended that Amar Singh had sold the land in dispute to defendants no.1 and 2 namely Sukhwinder Singh and Jaswinder Singh sons of Khushal Singh. So, he is the necessary party to the suit.

3. I have duly considered the aforesaid contentions, but the same are without any substance.

4. The plaintiff has filed the suit for recovery of Rs.

70,000/- against the respondents as the share of the trees standing in khasra no.20/33/2(4-11) as the said trees have been removed by the defendants. As per the plea raised by the petitioner in his application under Order 1 Rule 10 CPC, one Amar Singh son of Gajjan Singh has sold the land to defendants Sukhwinder Singh and Jaswinder Singh vide registered sale deed dated 08.04.1996. As said Amar Singh has already sold his share of the land and the purchasers from him are already party to the suit, then said Amar Singh cannot be stated to be the necessary party to the suit and his presence is not at all required to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit filed by the petitioner for recovery.

5. Consequently, I do not find any illegality in the impugned order passed by the learned trial Court.

6. Thus, the present revision petition having no merits, is hereby dismissed.

21.04.2016

S.khan

(DARSHAN SINGH)
JUDGE