

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

Civil Revision No.4097 of 2016

Date of decision: July 04, 2016

Rajinder Singh

...Petitioner

Versus

Labh Singh alias Budh Singh & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Budhwar, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 12.5.2016, passed by Additional District Judge, Kurukshetra, whereby application filed by the petitioner U/O 1 Rule 10 read with Section 151 CPC for impleading him as party - plaintiff No.2 has been dismissed.

Learned counsel for the petitioner has assailed the order. According to him, petitioner alongwith his father i.e. plaintiff is owner in possession of the land in dispute, thus, there is sufficient ground to implead him as party. He submits that omission of father of the petitioner to implead him as party in the suit was a bonafide mistake.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, father of petitioner namely, Manohar Lal had filed a suit for injunction regarding the suit property against respondents No.1 to 4 alleging that he alongwith his son (petitioner herein) was owner in possession of the suit property and defendants had been trying to dispossess them forcibly from the same. Said suit was dismissed by the

trial court. Father of petitioner preferred appeal before the first appellate court. During pendency of appeal, petitioner filed an application U/O 1 Rule 10 read with section 107 and 151 CPC for impleading him as plaintiff No.2 in the suit. Said application has been dismissed by the first Appellate Court vide order dated 12.5.2016.

Instant application was filed by the petitioner through his father Manohar Singh being his power of attorney, alleging that petitioner had become sole owner of the entire suit property on the basis of gift deed executed by his father. It is evident that at the time of filing the suit, Manohar Singh, through whom instant application has been filed, was aware of the fact that he had ceased to be co-owner of the suit property. I am of the considered view that present application has been filed to cover up the lacunae. An application of such a nature at the appellate stage would be misconceived. There is, thus, no scope for interference in revisional jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

July 04, 2016
'Rajpal'