

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 4044 of 2013(O&M)
Date of decision : March 4, 2016

Harbans Singh

..... Petitioner

Versus

Ajit Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ramesh Chand Sharma , Advocate
for the petitioner.

Mr. K. S. Kahlon, Advocate
for respondent No.1.

Mr. R. D. Bawa, Advocate
for respondent Nos. 2 to 4.

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-defendant is aggrieved of the order dated 9.4.2013 whereby the application filed under Order 1 Rule 10 and Order 6 and Rule 17 CPC for impleading the vendee in a suit wherein respondents-plaintiffs are holders of preemptive decree, has been allowed.

Learned counsel appearing on behalf of the petitioner submits that a specific objection in this regard, had been taken in the written statement, despite the same respondent-plaintiffs did not move an application. The application is nothing but to cover up the legal objection as the suit is liable to be dismissed on account of mis-joinder and non-joinder of parties and prays that the impugned

order is liable to be set aside.

Learned counsel appearing on behalf of the respondents submits that respondents-plaintiffs are holder of preemptive decree. Somehow, the mutation in this regard, was not effected. By taking the advantage of the defendants started selling the property. In these circumstances, the suit was filed. The person against whom the suit was filed though had not been impleaded and accordingly the application was filed.

I have heard learned counsel for the parties and appraised the paper book and of the view that the application of the respondents who are the decree holder of preemptive decree is maintainable. Taking the advantage of the wrong entries in the mutation, defendant started selling the property and in these circumstances the necessity to file the suit arose. The impleaded person have surrendered the possession to the respondents-plaintiffs, therefore, for adjudication of the lis that presence is essential and necessary.

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

March 4 , 2016
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