

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

Civil Revision No.4545 of 2016
Date of decision: August 08, 2016

Ajit Singh ...Petitioner

Versus

Kuldeep Singh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. P.S. Dhaliwal, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 16.05.2016, passed by Additional District Judge, Barnala, whereby two applications filed by the respondents No.1 & 2 U/O 1 Rule 10 CPC have been allowed.

Learned counsel for the petitioner has assailed the order. According to him, permission under section 92 of the Code has not been sought before impleading private respondents.

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

It appears, Gurudwara Nanaksar Thath, Barnala, through its worshippers namely, Balwan Singh and Balwinder Singh, filed a suit for declaration and mandatory injunction against Ajit Singh (petitioner herein) under Order 1 Rule 8 CPC. Suit was dismissed by the trial court on 24.3.2014. Appeal was preferred by the plaintiff Gurudwara through one Balwinder Singh. However, during pendency of appeal, Balwinder

Singh expired. Respondents No.1 & 2 filed separate applications for impleading them as party in place of Balwinder Singh. Both applications have been allowed by the first appellate court. Aggrieved, petitioner has filed the present revision petition.

In my considered view, plea of the petitioner is not tenable. The court having granted permission for impleadment of respondents No.1 & 2, who claim to be worshippers of the Gurudwara, appears to have considered the question of permission under section 92 of CPC as well. There is, thus, no scope for interference in revisional jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

August 08, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No