

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 5058 of 2016

Date of decision : 21.11.2016

Pawan Kumar & anr.

....Petitioners

V/s

Rakesh Kumar & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ajay Jain, Advocate for the petitioners.

Mr. Gagandeep S. Chinna, Advocate for respondent no. 1.

RAJAN GUPTA J.

Present revision petition has been preferred against the impugned order dated 21.07.2016 whereby application filed by petitioners under Order 1 Rule 10 CPC for impleading them as defendants has been rejected by Civil Judge (Jr. Division), Hisar.

Learned counsel for the petitioner has assailed the order. He submits that impugned order is unsustainable as petitioners are owner of the property and, thus, necessary party to the suit for complete and effective adjudication of the case.

Prayer has been opposed by learned counsel representing the respondent no. 1. According to him, petitioners have no right or title over the suit property and as such, their application has been rightly dismissed by the court below.

I have heard learned counsel for the parties.

It appears that plaintiff filed a suit for injunction to restrain the defendants from disconnecting the water supply connection installed on the

1st floor of the suit property where he was residing and the suit property was being purchased from Joint Hindu Family fund. During the pendency of the proceedings, an application under Order 1 Rule 10 CPC was moved by applicant-petitioners to be arrayed as defendants being necessary party and owners of the suit property. After hearing rival contentions, trial court held that petitioners were not necessary party as in the instant suit no question of ownership was to be decided in favour of any party. It also held that since the plaintiff was residing in the suit property for several years and the water connection installed in the same would increase the value of property. It, thus, dismissed the application under Order 1 Rule 10 CPC. I find no ground to interfere in the impugned order passed by the court below. It appears that both the parties have filed separate suits with regard to ownership right over the suit property which are still pending. Instant suit filed by plaintiff is only for injunction against the defendants to restrain them from disconnecting the water supply connection installed on the 1st floor where he is residing not for any title over the suit property.

In view of above, no interfere in revisional jurisdiction is called for. Dismissed.

November 21, 2016

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No