

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

**CR No.5650 of 2016
Decided on.01.09.2016.**

Manohar Lal

.....Petitioner

Versus

Sohan Lal and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Gursharan K. Mann, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

The present revision petition has been preferred against the order dated 02.07.2016 passed by the learned Civil Judge (Jr. Division), Pathankot, whereby the application filed by respondent no.2-Smt. Rani Devi under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (for short C.P.C.) for impleading her as a party to the suit has been allowed.

2. Plaintiff-petitioner has filed the suit against Sohan Lal-respondent no.1, the husband of the respondent no.2-Rani Devi for restraining him from dispossessing the plaintiff, changing the nature or encroaching upon the suit property comprised of Khasra no. 26R/11/1 total measuring 5 Kanal situated in the revenue estate of village Khushi Nagar, Tehsil and District Pathankot.

3. This fact is not disputed that applicant-respondent no.2 has purchased the land measuring 2 Kanal 11 Marlas out of the suit land from Jai Rani daughter of Mann Singh, one of the co-owner in the suit land vide sale deed dated 10.03.2016. She is claiming to be in cultivating

possession thereof through her husband of this land measuring 2 Kanal 11 Marlas. Petitioner has admittedly filed this suit on 29.04.2016 i.e. much after the purchase of the part of the suit land by the applicant-respondent no.2. But, very cleverly the plaintiff-petitioner has filed the suit against the husband of the applicant-respondent no.2 without impleading her as party to the suit who was the real owner thereof. So, applicant-respondent no.2 was the necessary as well as proper party to the suit as her rights were to be directly affected with the result of the suit.

4. Thus, keeping in view my aforesaid discussion, I do not find any illegality in the impugned order passed by the learned trial Court, which does not call for any interference by this Court.

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

01.09.2016

S.khan

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No