

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

**CR No. 590 of 2013 (O&M)
Date of decision: 15.01.2016**

Balbir Singh

... Petitioner

versus

Shiv Raj Singh Dobra and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rakesh Dhiman, Advocate for the petitioner.

Mr. Harsh Bungler, Advocate for the respondents.

K.Kannan, J. (ORAL)

CM No. 25847-CII-2015

CM is allowed.

The civil revision petition is restored to its original number.

CR No. 590 of 2013

With the consent of the parties, civil revision petition is itself taken up for hearing.

The revision petition is an exercise undertaken by approaching this Court for order of intervention in a situation where there have been issuance of notices between the petitioner and the party that is now ordered to be impleaded. There is a sure case made by the party pleaded that he has an interest in the subject matter having parted with huge consideration. Even in the reply given by the petitioner through counsel he has not pleaded that the newly impleaded party has no connection with the others. Strangely, the suit has come to be filed seeking for rescission of the agreement without issuing a notice to the party and who admittedly has paid the consideration and replied to the notice prior to suit. If the party declares that the defendant against whom the petitioner has filed the suit has acted only on behalf of the

impleaded party then it is fair enough that an adjudication for rescission is considered in the presence of the petitioner. There is no scope for intervention in the order passed by the Court below.

Learned counsel appearing on behalf of the petitioner has a case to contend that simultaneously with the agreement executed by him, there was yet another agreement by his brother who had 50% interest and a similar application for impleadment was filed in the suit filed by the brother and that application was dismissed. According to the learned counsel this must serve as the precedent for this Court to follow. I cannot find how that result in a petition filed in case filed by the brother can dictate the outcome of this petition. The impleadment ordered already is perfectly tenable, considering the fact that there is material to show the subsisting interest of the impleaded party in the transaction which is sought to be rescinded.

The order already passed is maintained and the revision petition is dismissed with costs of Rs. 5,000/- against the petitioner.

(K.KANNAN)
JUDGE

15.01.2016

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