

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

CR No.6794 of 2016

Decided on: 07.10.2016

Jagdeep Singh and another

....Petitioners

Versus

Bihari Lal and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Mohd. Yousaf, Advocate for the petitioners.

REKHA MITTAL, J.

The present petition has been directed against order dated 20.09.2016 passed by the Civil Judge (Jr. Division), Malerkotla, whereby application filed by the petitioners under Order 1 Rule 8-A of the Code of Civil Procedure (in short 'CPC') has been dismissed.

Counsel for the petitioners would contend that Bihari Lal and others have filed a suit, under Order 1 Rule 8 CPC, for declaration that the judgment and decree dated 09.01.1985 passed in Civil Suit No.16 of 04.01.1985 titled *Gurdwara Sahib Shaheedi vs Bhajan Dass Chela Ishar Dass Dera Taalbwala Ferozpur Kuthala* in favour of defendant No.1 is illegal, null and void and is the result of fraud and misrepresentation with a consequential relief of permanent injunction. In the said suit, the petitioners filed the instant application for impleading them as a party but the same has been wrongly disallowed by the trial Court. It is argued that impleadment of the petitioners is necessary in order to bring the true and material facts on record to protect the rights of the Gurdwara Sahib Shaheedi village Ferozepur at Kuthala, Tehsil Malerkotla. Another submission made by counsel is that no public notice under Order 1 Rule 8(2) CPC was issued, therefore,

the petitioners could not get to know about pendency of the suit and filed the application immediately after coming to know about the same, therefore, delay in filing the application should not be allowed to stand in the way of the petitioners to be impleaded as a party.

I have heard counsel for the petitioners and perused the paperbook particularly the impugned order.

In para 6 of the application, it has been averred that the applicants are necessary party in order to bring true and material facts on the file and to protect the rights of Gurdwara Sahib Shaheedi village Ferozepur at Kuthala. There is not even a whisper that defendant No.1 – Gurdwara Sahib Shaheedi sued through President of the Gurdwara Prabandhak Committee is either not contesting the proceedings or had connived with the plaintiffs in order to cause loss to the Gurdwara Sahib. It has also not been averred as to how the petitioners have any special interest in the property of the Gurdwara Sahib. The trial Court has noticed that the suit filed by the plaintiffs is being hotly contested by defendant No.2, the beneficiary under the judgment and decree dated 09.01.1985, sought to be assailed by the plaintiffs. In view of the above, I do not find any error much less illegality in the impugned order warranting intervention.

Dismissed.

07.10.2016

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(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No