

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

CR No.7289 of 2016(O&M)

Date of decision:27.10.2016

Ved Prakash and anotherPetitioners

VERSUS

Joginder @ Kala and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Manoj Kaushik, Advocate for the petitioners.

REKHA MITTAL, J.(Oral)

The present petition has been directed against order dated 26.09.2016 (Annexure P-1) passed by Civil Judge (Junior Division), Gurgaon whereby application of the petitioners/plaintiffs for impleadment filed under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (in short 'CPC') has been dismissed.

The petitioners/plaintiffs have filed a suit for partition and permanent injunction wherein Joginder @ Kala and others have been impleaded as defendants. The instant application was filed by the petitioners on the plea that Parveen Rana, Bhagwan Ran and Ram Niwas are claiming their ownership and possession on some portion of the suit land and perhaps the defendants may have sold their share of the suit land. The defendants (contesting the proceedings) filed reply to the application and denied any sale having been made by them. In absence of any positive assertion by the petitioners that somebody else other than the persons already joined as defendants is a co-owner in the land/property sought to

be partitioned, no error much less infirmity can be noticed in the impugned order warranting intervention.

Dismissed.

OCTOBER 27, 2016

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned

:

yes/no

Whether reportable

:

yes/no