

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

**CR No. 8494 of 2014 (O&M)
Date of decision: 08.02.2016**

Teg Singh and another

... Petitioners

versus

Sohan Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Malhar Singh Dhami, Advocate, for the petitioners.

Mr. R.S. Chauhan, Advocate, for respondent No.5.

K.Kannan, J. (ORAL)

The petitioners are the 3rd parties who have filed an application under Order 1 Rule 10 CPC in a suit for declaration and injunction claiming as purchaser's from the defendant's father Prem Singh. The 3rd party applicants also set up the right to the property which includes the suit property from the defendant's father but under an earlier transaction of purchase. Since both of them litigate under the same source of title in respect of major extent of properties, it will be only appropriate that the 3rd parties are allowed to be impleaded so that the declaratory action will come to a finality between persons setting up rival titles. While the plaintiff may be competent to maintain his suit for injunction against any person whom he chooses, this precept will be relaxed where the suit is for declaration and the plaintiff's relief is source to the very same person from whom the defendant also claims. The impleadment will prevent multiplicity of proceedings between the same parties. The impugned order is set aside and the petitioners are directed to be impleaded as defendant Nos. 2 & 3. They shall file a written statement within four weeks from the date of the receipt of the

copy of the order and the Court may proceed the frame additional issues on the basis of the additional pleadings and proceed to dispose of the case in accordance with law.

The civil revision petition is allowed on the above terms.

(K.KANNAN)
JUDGE

08.02.2016
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