

CWP No.14768 of 2014 (O&M)

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

CWP No.14768 of 2014 (O&M)

Date of Order: 11.7.2016

Subhash Chander

....Petitioner

Versus

District Magistrate, Gurdaspur and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr. Aditya Dassaur, Advocate for the petitioner/non-applicant.

Mr. P.C. Goyal, Advocate for the applicant.

Mr. Anant Kataria, DAG, Punjab.

RAKESH KUMAR JAIN, J (ORAL)

C.M.No.12549 of 2014

This application has filed under Order 1 Rule 10 CPC for impleadment of the applicant as party respondent No.3.

Reply to the application has been filed.

Learned counsel for the applicant has submitted that the shop in question has been leased out to the petitioner, who has applied for an Arms Dealer Licence. Said application has been dismissed by the competent Authority under the Act, therefore, the present petition has been filed to challenge the impugned order dated 02.11.2013. It is submitted that an application for eviction has also been filed in respect of the premises in dispute in which non-applicant prays for seeking licence for dealing with the arms, wherein issues were framed on 21.8.2015.

Learned counsel for the non-applicant has submitted that the presence of the applicant is not warranted so far as the present litigation is

concerned as it is between the non-applicant and the State /Government in respect of grant of licence.

I have heard learned counsel for the parties and perused the contents of the application. I am of the considered opinion that the applicant is a proper party as the property in dispute is a rented premises against which litigation is already pending in civil courts.

Consequently, present application is allowed and the applicant is impleaded as party respondent No.3 being proper party.

Registry to make necessary corrections in the memo of parties.

Main case

Learned counsel for the respondent has submitted that the impugned order is appealable under Rule 5 (1)(b) of the Arms Rules 1962.

On the contrary, learned counsel for the petitioner has submitted that the said order was never conveyed to the petitioner, therefore the appeal was not preferred.

Be that as it may, once the impugned order is appealable, even if it was not conveyed, remedy lies with the petitioner to file an appeal before the competent Authority. In case, such an appeal is filed within 15 days from the receipt of certified copy of this order, the respondents shall not raise an objection of limitation and the appeal filed by the petitioner shall be decided by the Authority concerned within one month thereafter.

Petition stands disposed of.

July 11, 2016
manoj

(Rakesh Kumar Jain)
JUDGE