

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2013 of 2016 (O&M)

Date of Decision: 10.10.2017

Parkash Chand

... Petitioner

Versus

Darshan Singh and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Roopak Bansal, Advocate,
for the petitioner.

Mr. Sandeep Verma, Advocate
for respondent No.1.

Mr. Pawan Sharda, Advocate
for respondents No.2 to 6.

ANIL KSHETARPAL, J. (ORAL).

The applicant/petitioner filed an application under Order 1 Rule 10 CPC for being added as party. The aforesaid application has been dismissed by the learned trial Court vide order dated 23.12.2015. The learned trial Court has found that the plaintiff is neither necessary nor proper party.

The petitioner has challenged the aforesaid order. Prayer made in the suit filed by the private respondent Darshan Singh is extracted as under: –

“Suit for declaration to the effect that order dated 06.08.2008 passed by Defendant no.4 in file no.1142 Misc. of 17.07.2008 vide which allotment of property comprised in Khewat No.1383, Khatauni No.2277, Khasra Nos.27/21min [4-14], 9 (6-14] 12]2-10], being 176/278 share, situated at Nabha Distt.

Patiala, as per Jamabandi for the year 1995-96 is illegal, null and void, inoperative, ineffective and is liable to be set aside and suit for permanent injunction restraining the defendants from dispossessing the plaintiff from the suit land described above and from making any alternation change in the revenue record in respect of the above land, illegally and forcibly.”

From the reading of the prayer, it is clear that Darshan Singh-plaintiff had filed a suit for declaration challenging the order passed by the State of Punjab. Further prayer was made that the defendants be restrained from dispossessing the plaintiff.

Learned counsel for the petitioner has vehemently argued that he is one of the co-owners of the property as he has 1/24th share.

In my considered opinion, if the plaintiff has some right, title or interest in the property, he can file an independent suit claiming his right in the property. However, the petitioner has no locus standi to file an application and become party in the present suit. In the present suit, the plaintiff has only challenged an order passed by the State of Punjab. The suit was filed in 2011. The petitioner filed the application in the year 2015.

In these circumstances, I do not find any good ground to interfere with the order passed by the learned trial Court.

The revision petition is dismissed.

(ANIL KSHETARPAL)
JUDGE

10.10.2017
sk

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No