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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.2995 of 2017

Date of Decision : 25.10.2017

BHAJAN LAL

....PETITIONER

VERSUS

SHER SINGH AND OTHERS

....RESPONDENTS

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Sunil Kumar Nehra, Advocate
for the petitioner.

B.S. WALIA, JUDGE (ORAL)

[1] Revision petition seeks setting aside of order dated 05.10.2016, passed by the learned Civil Judge (Junior Division), Sirsa, whereby the application filed by the respondents-applicant under Order 1 Rule 10 of the CPC has been allowed.

[2] Brief facts of the case, leading to the filing of the instant petition are that the plaintiff-petitioner besides other co-plaintiffs filed a suit for declaration that they were entitled to receive compensation on account of their land falling in between the flood embankment due to construction of bandh on both sides of river Ghaggar in the area of village Saharani resulting in fertility, yield of crops besides number of crops being grown per year on said land being reduced drastically resulting in the plaintiffs-petitioners suffering heavy losses.

[3] Learned Counsel contends that the applicants-respondents purchased the land in question from the person to whom the plaintiffs-

petitioners had sold the land and to whom the reasons for sale were disclosed in the sale deed i.e. fall in value of land, fertility, yield etc., that neither the original vendee nor applicants-respondents had suffered any loss nor had the original vendee moved an application for impleadment as necessary party to the suit for compensation yet the applicants-respondents despite their not having suffered any loss had moved an application for being impleaded as a necessary and proper party under Order I Rule 10(2) of the CPC.

[4] Order I Rule 10(2) of the CPC reads as under :

(2) Court may strike out or add parties.— The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

Thus Order 1 Rule 10(2) of the CPC lays down that the Court may at any stage of the proceedings order the name of any party whose presence before the Court may be necessary to enable the Court to effectually and completely adjudicate upon and settle all the issues involved in the suit be added as a party.

[5] I have considered the submissions of learned counsel. The power of the Court to add a party to the suit is not dependent only on the question whether such person has interest in the suit property or not. *A person can be impleaded as a party if the ultimate decree passed in the civil suit would vitally effect his rights.* In the instant case, in the eventuality of the suit being decreed the question which would arise would be whether it is the

plaintiff's petitioners alone who would be entitled to the compensation or even the present owner of the land who has suffered identical loss on account of fall in fertility, yield of crops besides number of crops per year on said land having been reduced drastically. The said issue can be adjudicated only in the presence of the applicant-respondents since the applicants are the present owners of the said land. The learned trial Court passed the impugned order by observing that the question whether the plaintiffs-petitioners alone were entitled to compensation or even the applicants-respondents were entitled to compensation could be decided only by permitting the applicants-respondents to be impleaded as a party under Order I Rule 10(2) of the CPC especially since the plaintiffs-petitioners had raised the issue of loss incurred on un acquired land and it not being disputed that the applicant-respondents were owners in possession and had also suffered losses. In the circumstances the order passed by the learned trial court is necessary to enable the Court to effectually and completely adjudicate upon and settle all the questions involved in the suit. Thus the impugned order warrants no interference.

[6] Accordingly, the revision petition is dismissed in limine.

(B.S. WALIA)
JUDGE

October 25, 2017
rajneesh

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No