

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.3019 of 2017
Date of decision: April 28, 2017

Dyal Singh ...Petitioner

Versus

Sukhdev Singh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Dadwal, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 31.01.2017, passed by the trial court, whereby application filed by the petitioner under Order 1 Rule 10 CPC has been dismissed.

Learned counsel for the petitioner has assailed the order. According to him, petitioner is co-owner in the suit property bearing Khasra No.308 and he has constructed a house therein. Thus, applicant/petitioner is a necessary party in the suit.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, respondent No.1 filed a suit for separate possession by way of partition of a plot/house measuring 15 Marlas, situated at Village Daherka, District Ludhiana, against respondent No.2, alleging that parties are joint owners in possession of the suit property.

During pendency of suit, applicant/petitioner filed instant application under Order 1 Rule 10 CPC for impleading him as defendant in the suit on the ground that he is in actual continuous physical possession of the suit property, which is ancestral coparcenary property. Thus, he deserves to be impleaded as party defendant in the suit. Keeping in view the facts and circumstances of the case, the trial court dismissed the application, as it felt that petitioner is not entitled to be impleaded as party to the suit. I find no infirmity with the order passed. I am of the considered view that the court below has not committed any error in dismissing the application filed by the petitioner. There is, thus, no scope for interference in revisional jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

April 28, 2017
'Rajpal'

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