

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No.3945 of 2017
Date of decision: 31.05.2017

Gurdeep and another

... Petitioners

Vs.

Pawan Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Ramesh Sharma, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (ORAL)

Instant revision petition, under Article 227 of the Constitution of India at the hands of plaintiffs, is directed against the order dated 29.04.2017 (Annexure P-5) passed by the learned trial Court, whereby application moved under Order 1 Rule 10 of the Code of Civil Procedure ('CPC' for short) by respondent No.4 was allowed, impleading her as party-defendant in the suit filed by the plaintiffs-petitioners.

Heard learned counsel for the petitioners.

It is not in dispute that Smt. Jasmeet Kaur-respondent No.4 was true owner of the suit land before it was allegedly purchased by the plaintiffs-petitioners. While moving the application under Order 1 Rule 10 CPC, Smt. Jasmeet Kaur specifically alleged that she never sold the suit land to the plaintiffs.

The sale deed, if any, was based on fraud and misrepresentation. The moment she came to know about the suit filed by the plaintiffs-petitioners, she immediately moved the application under Order 1 Rule 10 CPC for becoming party to the suit for injunction. Having said that, this Court feels no hesitation to conclude that the learned trial Court was well justified in passing the impugned order, allowing the application of respondent No.4 Smt. Jasmeet Kaur, impleading her as party-defendant to the suit. It is so said because in the peculiar facts and circumstances of the case noticed hereinabove, Smt. Jasmeet Kaur was a necessary party to the suit.

It is the settled proposition of law that peculiar facts and circumstances of each case are to be examined, considered and appreciated first before applying any codified or judgemade law thereto. Sometimes, difference of even one word can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausund Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533**. No doubt, the petitioners, being the plaintiffs, were dominus litus, however, it is also true that for deciding any application under Order 1 Rule 10 CPC, the learned Court has to examine and appreciate the factual aspect of the matter. As noticed hereinabove, Smt. Jasmeet Kaur being the absolute owner of the suit land, before its alleged purchase by the plaintiffs-petitioners, she was not only a proper but necessary party to the suit. Once the plaintiffs did not implead her as party-defendant, the learned trial Court was well within its jurisdiction to pass the impugned order, allowing her application for impleadment and the impugned order deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioners could not point out any patent illegality or perversity in the impugned order,

which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order has been found duly supported by sound reasons and the same deserves to be upheld, for this reason as well.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No ground for interference has been made out.

Resultantly, with the abovesaid observations made, present revision petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

31.05.2017

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No