

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

138

CR-3988 of 2017

Date of Decision:24.07.2017

Purshotam Dass

.....Petitioner

Versus

Moti Ram and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.Raman Mohinder Sharma, Advocate, for the petitioner.

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the order dated 29.03.2017 passed by the learned trial court, whereby application moved by respondent No.1 under Order 1 Rule 10 of the Code of Civil Procedure (for short “the CPC”) was allowed, plaintiff has approached this Court by way of instant revision petition, filed under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

It has gone undisputed before this Court that two civil suits are pending between the parties. One civil suit was filed by the plaintiff-petitioner against respondent-Nagar Council without impleading respondent No.1 as a defendant and the other civil suit filed by respondent No.1 is pending against the petitioner. The learned trial court has found that interest of respondent No.1-Moti Ram was likely to be adversely affected and because of that reason, the learned trial court found respondent No.1 as necessary party for proper adjudication of the case. Once the learned trial court itself has found impleadment of respondent No.1-Moti Ram as

necessary for proper adjudication of the case between the parties, the

impugned order passed by the learned trial court cannot said to be either illegal or without jurisdiction and the same deserves to be upheld.

Further, by allowing the application of respondent No.1 under Order 1 Rule 10 CPC, no prejudice of any kind is likely to be caused to the plaintiff-petitioner nor any such prejudice has been shown by the learned counsel for the petitioner during the course of hearing. In this view of the matter, no fault can be found with the impugned order passed by the learned trial court and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order passed by the learned trial court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. The impugned order has been found based on 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 misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, instant revision petition stands dismissed, however, with no order as to costs.

July 24, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No