

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.5548 of 2017

Date of decision: 21.08.2017

Som Nath

...Petitioner

Versus

Kamlesh Rani and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Amit Dhawan, Advocate,
for the petitioner.

Ritu Bahri, J.

Challenge in this petition is to the order dated 02.08.2017 (Annexure P-5) passed by the Civil Judge (Senior Division), Jalandhar, whereby application filed by plaintiff-respondent No.1 under Order 1 Rule 10 (2) CPC for impleading Neelam Rani wife of petitioner as defendant, has been allowed.

The present suit has been filed by plaintiff-respondent No.1 for permanent injunction restraining the defendants from encroaching the southern side of street in question by putting logs of trees in between thereof. Stand taken by the defendants in their written statement (Annexure P-2) was that wife of defendant No.1 namely Neelam was owner of property No.2806, measuring 7 Marlas as per sale deed bearing No.580 dated 09.05.2000 and there was no street at the spot. The ingress and outgress of the plaintiff was from the gate situated on the western side of

her house.

Since the defendant No.1-petitioner had taken a specific stand that his wife was owner of property No.2806 measuring 7 Marlas and there was no such *gali* existing at the spot, application filed by plaintiff-respondent No.1 to implead Neelam Rani (owner) as party defendant has rightly been allowed by the trial Court for the just decision of the suit.

No ground is made out to interfere in the impugned order.

Dismissed.

21.08.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No