

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

CR No. 6149 of 2017

Date of Decision: 12.09.2017

BALWINDER SINGH

-PETITIONER

VS

DILBAG SINGH AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. V.K. Sandhir, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

Petitioner has challenged the order dated 09.08.2017 passed by Civil Judge (Junior Division), Amritsar whereby the application filed by respondents No.1 to 3 under Order 1 Rule 10 CPC has been allowed.

A civil suit for permanent injunction was filed by the plaintiff-petitioner against the Gram Panchayat and his real brother Swaranjit Singh. There is a history of previous litigation between father of the plaintiff and defendant No.2 on the one hand and father of the added respondents No.1 to 3 on the other hand in respect of Khasra No.58//8/1/2 (0-3), 58//3/5/1 (0-8).

The consolidation authority vide order dated 25.09.1962 has already allowed the application in appeal filed

by Dalip Singh. Predecessor-in-interest of the appellant and plaintiff No.2 Ujagar Singh were also party to those proceedings. Now, permanent injunction has been sought by the plaintiff on the premise that he is in possession of the suit property which was declared to be a path by the consolidation authority.

Since, predecessor-in-interest of both the parties were in litigation since long and Panchayat is also party defendant in the present suit, therefore, inhabitants like respondents No.1 to 3 have all the rights to be impleaded as party defendants in addition to their locus based on previous litigation between their father Dalip Singh with Ujagar Singh-father of the plaintiff and defendant No.2.

No error of jurisdiction can be noticed in the impugned order passed by the trial Court.

The present petition, is accordingly, dismissed.

12.09.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No