

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

CR No.6278 of 2017
Date of decision : 15.09.2017

Meharban Singh

...Petitioner

Versus

Jaspal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parvinder Singh, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Plaintiff is in revision petition against the order dated 09.08.2017 passed by the Additional Civil Judge (Senior Division), SBS Nagar.

Plaintiff had filed a suit against the defendants claiming declaration that the plaintiff is owner in possession of the land described in the head note of the plaint with a consequential relief of permanent injunction. The suit was filed on 13.09.2013.

During the pendency of the suit, plaintiff had filed an application under Order 1 Rule 10 CPC for adding the Cooperative Bank and State Bank of Patiala as defendants in the suit. It was pleaded that the defendants had mortgaged certain portion of the land in favour of the banks and, therefore, the banks were necessary parties.

The learned trial Court while dismissing the application has

observed as under:-

“6. Order 1 Rule 10 CPC provides that the court made implead any party as a plaintiff/defendant to the suit, whose presence may be necessary in order to enable the court to adjudicate the matter effectually and completely and settle all the questions involved in the suit. Present application has been filed by the applicant/plaintiff for impleading banks i.e. Co-operative bank, Branch Rahon and State Bank of Patiala, Branch Banga as defendants to the present suit for the reason that defendant Jaspal Singh has mortgaged the suit property to these banks during pendency of the suit. Perusal of case file shows that plaintiff has filed present suit seeking declaration that he is owner in possession of the suit property. Presence of banks is not required for decision of the present case. Furthermore, mortgage of the property by the defendant during pendency of the present suit is hit by the principle of lis pendens and in plaintiff is granted relief by the court then mortgage of property by the defendant during pendency of the suit will, in no way affect rights of the plaintiff.”

Learned counsel for the petitioner has submitted that if the defendants does not pay the amount, ultimately the plaintiff would not be get any substantive relief.

I have considered the submission. The present suit is only with respect to the declaration that the plaintiff is owner in possession. The banks have nothing to do with the dispute which is a private dispute between the plaintiff and the defendants.

I do not find any reason as to why the presence of banks is required for the decision of the case.

For the reasons recorded above, I do not find any good ground to interfere with the order passed by the trial Court.

Revision petition is dismissed.

15.09.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No