

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

116

CR No.6887 of 2016
Date of Decision:05.12.2017

Jagdish and another

...Petitioners

Versus

The Shivalaya House Building Co-operative Society Limited and others
...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashok Arora, Advocate
for the petitioners.

Mr. Ashwani Gaur, Advocate
for respondent No.1.

ANIL KSHETARPAL, J.(Oral)

Application filed by the petitioners for being added as defendants has been dismissed by the learned trial Court. Applicants are in the revision petition against that order.

Plaintiffs had filed a suit for declaration claiming that the *tatima* culled out of Khasra No.1151, Killa No.18 is illegal, null and void. Applicants also claimed to be purchaser of share in the same 'killa' number.

Taking into consideration that any decision in the suit would effect the rights of the applicants. Therefore, in the considered opinion of this Court, applicants are necessary party.

Learned trial Court has dismissed the application only on the ground that the plaintiffs have challenged the *tatima*. Once the *tatima* is set aside, the rights of the applicants in the property would be prejudiced. The applicants cannot be condemned unheard.

Taking into consideration the aforesaid facts, the impugned order passed by the learned trial Court is set aside. Applicants are impleaded as defendant Nos.5 and 6 in the suit.

Defendants would be at liberty to file their written statement.

Hence, this revision petition is allowed.

05.12.2017
sheetal

(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No