

Civil Revision No.7235 of 2016 (O&M)

[1]

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

Sr. No. 108-A

Civil Revision No.7235 of 2016 (O&M)

Date of decision: January 10, 2017

Pritam Singh

.... Petitioner

Versus

Manmohan Singh & others

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gaurav Sharma, Advocate,
for the petitioner(s).

Mr. K.S. Dadwal, Advocate,
for the respondent No.1.

None for respondent No.2 & 3.

JASPAL SINGH, J. (ORAL)

Civil Miscellaneous No.22055-CII of 2016

Application is allowed as prayed for.

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Through the instant revision petition preferred under Article 227 of the Constitution of India, petitioner has sought setting aside of impugned order dated September 05, 2016 (Annexure P-1) passed by

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learned Civil Judge (Junior Division) Dasuya, whereby an application filed by the petitioner-applicant Pritam Singh under Order 1 Rule 10 CPC has been dismissed.

2. The contention of learned counsel for the petitioner is that respondent No.1/plaintiff has filed a suit for permanent injunction on the basis of the wrong revenue entries appearing in his name, whereby, he has been shown to be in cultivating possession of the suit property, but in reality he never came in possession independently of the suit property, rather, entries are wrong and in fact, the property in question was in the name of the petitioner, who further leased out the same to respondent No.3-defendant. Thus, no effective decree can be passed in the absence of the petitioner, who otherwise, is a necessary party. The impugned order is based upon conjectures and surmises.

3. This court has given a deep thought to the aforesaid submissions made by learned counsel for the petitioner, but find the same to be without any legal and factual substance.

4. Plaintiff-respondent No.1 has filed the suit for permanent injunction restraining the defendants from interfering in any way in his peaceful possession over the land measuring 7K-19M contained in Khewat No.58, Khatoni No.69 and comprised in Khasra Nos.2//22/1 (4-2) 23/1/1 (3-17) as per Jamabandi for the year 2012-13 situated within the revenue estate of village Sadar Pur H.B. No.196, Tehsil Dasuya, District Hoshiarpur, except in due course of law, on the basis of the revenue record i.e. Jamabandi and Khasra-Girdawari. Petitioner has alleged that he is owner in possession of the suit property and revenue record is incorrect. In fact, he

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has leased out the suit property to respondent No.3-defendant. If, entries are incorrect and are liable to be corrected, petitioner can approach the concerned authorities/Court for getting the same rectified. The suit filed by respondent No.1-plaintiff is a simple suit for permanent injunction and as such, he is the sole master of his suit. He cannot be made to agitate against a person against whom, he does not claim any relief. Thus, impugned order dated September 05, 2016 does not suffer from any infirmity or illegality, rather the same is absolutely, in consonance with evidence as well as legal proposition.

5. In the light of what has been discussed above, finding no merit in the instant petition, the same is accordingly dismissed.

6. No order as to costs.

January 10, 2017

Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No