

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

CR No.7208 of 2017
Date of decision :23.10.2017

Lakhjeet

...Petitioner

Versus

Receiver-cum-Naib Tehsildar, Rewari and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajesh K. Kataria, Advocate
for the petitioner.

ANIL KSHETARPAL, J. (Oral)

Plaintiff-petitioner is in revision petition against order dated 09.08.2017 allowing application filed by defendant No.1 for substitution in the title of the suit.

It was prayed that defendant No.1 has been impleaded as a Naib Tehsildar, whereas he is acting as an official receiver as per the order passed by the High Court on 17.01.1997. The aforesaid application has been allowed by the Court noticing that Naib Tehsildar is only acting under the orders of the High Court.

Learned counsel for the plaintiff has submitted that this would result in delay of trial of the case. He has further submitted that Naib Tehsildar was not appointed as an official receiver with respect to the property purchased by the plaintiff. He has further submitted that the plaintiff was not party in the proceedings in which the High Court passed an order appointing Naib Tehsildar as an official receiver.

I have considered the submission of learned counsel. However,

I do not find any merit in the same.

Plaintiff had filed a suit for permanent injunction. Plaintiff had impleaded Naib Tehsildar, Rewari as defendant No.1 and Sub Divisional Magistrate, Rewari as defendant No.2.

During the pendency of the suit, defendant No.1-Naib Tehsildar moved an application for amendment/substitution in the title of the suit on the ground that defendant No.1 was managing the property in the capacity of official receiver.

The aforesaid application has been allowed. Learned trial Court has referred to the order passed by this Court dated 17.01.1997. This fact is not disputed.

Taking into consideration that the fact that Naib Tehsildar was acting under the orders of the Court as an official receiver, he has rightly been substituted as an official receiver in the suit.

Next submission of learned counsel is that Naib Tehsildar was not appointed as an official receiver with respect to the property owned by the plaintiff. This shall be subject matter of trial of the suit and this issue cannot be decided at the stage of allowing of amendment.

Taking into consideration the facts, I do not find any good ground to interfere with the order passed by the Courts.

Hence, this revision petition is dismissed.

23.10.2017
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes
Whether Reportable : No