

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.8592 of 2016
Date of decision: March 07, 2017

Khursheed Alam

...Petitioner

Versus

Harish Sood & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rahul Rampal, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 04.11.2016, passed by Additional District Judge, Ludhiana, whereby application under Order 1 Rule 10 CPC for impleading respondent No.1 as a party in appeal, has been allowed.

Learned counsel for the petitioner has assailed the order. According to him, respondent No.1 was not even a party to the order dated 22.01.2016, passed by respondent No.2. Thus, respondent No.1 was neither a necessary nor proper party to be impleaded in the proceedings of appeal.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, Assistant Town Planner, Municipal Corporation, Zone-D, Ludhiana exercising powers of Commissioner, Municipal Corporation, Ludhiana, on the basis of complaint received from inhabitants of locality as well as a letter received from Punjab Pollution

Control Board, directed the petitioner to demolish unauthorized construction of his property No.B-XXVIII-186/475-A, situated in Punjabi Bagh, Jawaddi, Ludhiana. Aggrieved, petitioner filed an appeal under Section 269(2) of Punjab Municipal Corporation Act, 1976 before District Judge, Ludhiana against the order of demolition dated 22.01.2016. During pendency of appeal, Harish Sood (respondent No.1 herein) filed instant application under Order 1 Rule 10 CPC for impleading him as respondent in the appeal, on the ground that he being one of the complainant, objected to unauthorized construction of the chicken shops of the petitioner. Said application was allowed by Additional District Judge, Ludhiana, observing that no prejudice was going to be caused to the petitioner/appellant if applicant Harish Sood is impleaded as respondent in the appeal. Aggrieved, petitioner has filed the present revision petition.

I am of the considered view that the court below has not committed any error in allowing the application for impleadment filed by the applicant. There is, thus, no scope for interference in revisional jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

March 07, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No