

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 8644 of 2017 (O&M)

Date of Decision: 15.12.2017

Ram Pal and others

.....Petitioners

Versus

Karnail Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sanjeev Patiyal, Advocate
for the petitioners.

ANITA CHAUDHRY, J

The petitioners are aggrieved by the dismissal of their application filed under Order 1 Rule 10 CPC.

A suit had been filed by Karnail Singh and others against their brother seeking partition of vacant land and house shown in Annexure P-1 and the *Bara* which fell in khasra No. 21/10/1. The petitioners filed an application for being impleaded as a party and it was claimed that they were proprietors of the village and had interest in the suit property and there was collusion. It was pleaded that earlier a suit for injunction was filed and under the garb of that suit, construction was raised and now the suit has been filed and they have included the *abadi* land which falls in *khasra* No. 30/35. It was urged that the plaintiffs are non-proprietors and *gair marusi* and they are not the owners and they (petitioners) wanted themselves to be impleaded as a party as they have a share and stake in the land.

The submission on behalf of the petitioners is that though the plaintiffs have very cleverly drafted the plaint and have not mentioned

which would show that they have included the *shamlat* land. It was urged that the petitioners had also challenged the acquisition of khasra No. 30/35 by the State and the dispute was finally determined by the Supreme Court and it was held that they had no *locus* as they were not the owners and in a clandestine manner they want the ownership and possession to be settled in their favour. The counsel further contends that they have made a complaint to the Municipal authorities but they are not paying any heed.

The plaint available at page 32 shows that there is no reference to the khasra No. 30/35. The petitioners have an independent right to file a separate suit.

Counsel for the petitioners had submitted that the order would stand in his way. It is clarified that the impugned order would not stand in the way of the petitioners and it would be independently adjudicated in case another suit is instituted.

The petition is disposed of accordingly.

(ANITA CHAUDHRY)
JUDGE

December 15, 2017

Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No