

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 9080 of 2017 (O&M)

Date of Decision: 22.12.2017

Sultan @ Sube Singh

.....Petitioner

Versus

Hari Ram and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. D.S.Virk, Advocate
for the petitioner.

ANITA CHAUDHRY, J

This revision has been preferred against the order dated 2.11.2017 (Annexure P-5) passed by Civil Judge (Jr. Division), Ellenabad whereby application filed by the petitioner under Order 1 Rule 10 CPC has been dismissed.

Hari Ram had filed a suit against Sheeshpal and others seeking recovery of possession of 2 *kanals* 3 *marlas* of land falling in *khasra* No. 140. Besides the relief of possession he had also sought recovery of some amount as compensation and injunction. The suit was filed in February 2015. An application had been filed by the petitioner namely Sultan @ Sube Singh for being impleaded as a party in the suit. His plea was that he had purchased some part of the land in 1981 and there was collusion between the plaintiff and defendant and they wanted to grab his

pending disposal in the High Court and order for status quo was passed therein.

In the reply, it was pleaded that the defendant had been granted seven opportunities to lead evidence but he had not led any evidence and last opportunity had been granted and the applicant was his (plaintiff's) son. It was pleaded that the applicant had no concern with the suit land and the *jamabandi* recorded his title. It was pleaded that the applicant had filed a suit in 2002 seeking a declaration that the property was coparcenary property and was seeking separate possession but his plea was dismissed. The first appeal was also dismissed. It was pleaded that the copy of the RSA had not been placed on record nor the order granting status quo had been appended.

The trial Court dismissed the application holding that no relief had been claimed against the applicant and merely because he had pleaded that he was a co-sharer, he was not entitled to join the proceedings.

I have heard the submissions on behalf of the applicant.

The applicant is none other but the son of the plaintiff. The petitioner's father had filed a suit against the sons of Ramji Lal who had illegally taken possession of his property. The plaintiff was also claiming charges for use and occupation @ Rs. 5,000/- per month.

It appears that there is a dispute between the father and son and therefore he wants himself to be impleaded as a party. The petitioner is neither a necessary nor a proper party. For adjudication of the issues raised in the suit his presence is not required. The petitioner had an independent right and had already approached the Court and had lost the suit as well as

the first appeal. The matter is stated to be pending in the High Court. His

rights would be adjudicated in that litigation. I find no infirmity in the order.

The petition is dismissed in *limine*.

(ANITA CHAUDHRY)
JUDGE

December 22, 2017
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : Yes