111.

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

**CIVIL REVISION-2817-2018 (O&M)**
Date of decision:02.05.2018.

MAHANT SHRI RAM DASS ... Petitioner

Versus

DERA SMADH UDHEY SINGH & ORS .... Respondents

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA**

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

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***HARI PAL VERMA, J.****(Oral)*

Petitioner has filed the present revision petition under Article 227 of the Constitution of India impugning the order dated 22.02.2018 passed by learned Civil Judge (Senior Division), Sangrur (Annexure P-5) whereby the application filed by the petitioner under Order 1 Rule 10 read with Section 151 CPC for impleading him as one of the defendants, has been dismissed.

Briefly stated, respondent No.1-plaintiff has filed a suit for possession to the effect that the plaintiff-Dera Smadh Udhey Singh is the owner of the property located at Village Ghabdan, Tehsil and District Sangrur, as detailed in the plaint. In the pending suit, petitioner has moved an application under Order 1 Rule 10 CPC for impleading him as a party/defendant. It has been averred in the application that the plaintiff Shokin Dass who has averred that he is a Mahant of the dera, is wrong. Rather it is the petitioner-applicant who is Mahant of the dera and is serving it. Therefore by producing forged and fabricated documents, respondent-plaintiff has filed a suit requiring the petitioner to be impleaded as a defendant for the just decision of the case.

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Respondent-plaintiff has filed reply stating therein that Shokin Dass is a Mohitmim of the plaintiff-dera and the petitioner-applicant has no concern with the affairs of the plaintiff-dera as he is not serving the same in any capacity and, therefore, the petitioner is not a necessary party.

Considering the rival contentions of the parties, learned Civil Judge (Senior Division), Sangrur vide order dated 22.02.2018 has dismissed the application which led to filing of present revision petition impugning the said order.

Learned counsel for the petitioner has argued that in case the petitioner is not allowed to be impleaded as a party, it would lead to multiplicity of proceedings and the petitioner would rather facilitate the just decision of the case, in case, he is impleaded as a party.

I have heard learned counsel for the petitioner and have looked into the impugned order.

The trial Court has noticed that the petitioner has no right in the property in dispute and the property in possession of the petitioner is different altogether. So once the petitioner has failed to establish that the suit filed by the respondent-plaintiff touches his property in any manner, he cannot seek his impleadment by moving an application under Order 1 Rule 10 CPC.

In view of above, this Court does not find any illegality in the impugned order and accordingly, the present revision petition is dismissed.

**(HARI PAL VERMA)**
**JUDGE**

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Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No

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