

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

**CR No.3629 of 2018 (O&M)
Date of decision : May 28, 2018**

Kulwant Singh and another **..... Petitioners**

Versus

Harlabh Singh and others **..... Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Suneet Pal Singh Aulakh, Advocate for the petitioners.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 29.01.2018 passed by learned Civil Judge (Jr. Divn.), Samrala, vide which an application filed under Order I, Rule 10 read with Section 151 CPC, 1908 was allowed.

Heard.

It comes out that the plaintiffs have filed a suit for declaration that they are in joint possession of land measuring 5 kanals, 8 marlas, on the basis of sale deed dated 21.05.1984, which was not incorporated in the revenue record. Harlabh Singh had filed a civil suit for possession of land measuring 3 kanals, 9 marlas out the said land on the basis of agreement of sale dated 26.11.2013 executed by defendant Nos.1 and 2 i.e. present plaintiffs in his favour. The trial Court has taken the view that Harlabh Singh is a necessary party.

I am of the view that Harlabh Singh is also claiming the part of the suit land on the basis of agreement. Therefore, his presence is required

for the just decision of the case. The mere filing of the separate civil suit is no ground to decline him to be impleaded as party. Therefore, there is no illegality of infirmity in the impugned order.

Learned counsel for the petitioners states that the agreement of Harlabh Singh is forged and fabricated.

However, this plea is not to be considered while deciding the application under Order I, Rule 10 CPC, 1908. The parties are always at liberty to raise appropriate plea during trial.

As such, the present revision petition is dismissed.

(KULDIP SINGH)
JUDGE

May 28, 2018

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Whether speaking / reasoned Yes

Whether Reportable: No