

(220)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-3951 of 2017 (O&M)
Date of Decision: 13.12.2018

BALOUR SINGH & ORS

.....Petitioners

Vs

DARSHAN SINGH CHAHAL & ORS.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.K.V. Singh, Advocate
for the petitioners.

Mr. A.K. Walia, Advocate
for respondent Nos. 1 to 3.

Mr. Arun Kaundal, DAG, Punjab
for respondent Nos. 4, 5, 6 and 8.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioners have assailed the order dated 01.03.2017 passed by Civil Judge, Senior Division, Mansa (Annexure P-1) vide which the application under Order 1 Rule 10 CPC read with Section 151 CPC for being impleaded as party-defendants Nos. 18 to 23 was dismissed.

2. The aforesaid application was filed in pending suit titled

Darshan Singh Chahal Vs. Baba Jogi Pir Trust Village Ralla**Tehsil and District Mansa.**

In the aforesaid suit gram panchayat has been impleaded as party-defendant through Sewak Singh-sarpanch. Sewak Singh-sarpanch has also been impleaded in his personal capacity as defendant No.6. Earlier Sewak Singh and others have filed CWP NO. 18894 of 2015. The said writ petition was decided along with one more writ petition i.e., CWP No. 7275 of 2015 by common order dated 13.02.2017, wherein liberty was granted to the writ petitioners to file their independent suits.

3. In the writ petition also, the composition of trust namely Baba Jogi Pir Trust Village Ralla Teshil and District Mansa was challenged. The same relief has been claimed in the pending civil suit titled **Darshan Singh Chahal Vs. Baba Jogi Pir Trust Ralla and others.** Even though the present application was filed before decision in the writ petition, but the fact remains that the applicants can file their independent suit challenging the composition of the trust as per order passed by the High Court on 13.02.2017.

4. On inquiry it has been revealed that the suit has reached the stage of leading evidence by the plaintiffs. In order to avoid any *de novo* trial it would be just and appropriate to allow the petitioners to file their independent suit challenging the

composition of the trust in accordance with law.

5. In view of the above, this revision petition is disposed of.

December 13, 2018.
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(RAJ MOHAN SINGH)
JUDGE

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