

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 502 of 2018 (O/M)
Date of decision : 24.1.2018

Smt. Neena Dawar and others Petitioners

Versus

Smt. Raj Rani Dawar and another Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Lokesh Sinhal, Advocate, for 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 present revision is order dated 13.12.2017 (Annexure-P-1), passed by the learned Civil Judge (Junior Division), Faridabad, vide which application filed under Order 1 Rule 10 CPC, 1908, was allowed and HUDA through its Estate Officer, Faridabad, was made party in a suit for declaration and consequential relief for permanent injunction.

It comes out that in the suit, it is claimed that property was reallocated by HUDA, through its Estate Officer, Faridabad, vide letter dated 17.10.1996. The said allotment is disputed by defendants. Defendants have even filed a counter claim. The lower Court while disposing of the application has come to the conclusion that the Court must be satisfied that presence of such party is necessary in order to enable the Court to factually and completely adjudicate upon and settle all the questions involved in the suit. Consequently, following reasoning has been given :-

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' xxxxx However, in the considered opinion of this Court, since the transfer of property in question was done by HDUA department, needless to say that they have role to play in this case to explain the circumstances in which the said property was transferred and in case any further directions in this regard are required to be issued for intimation, even then a person from this particular department would be needed. So accordingly in view of my aforesaid discussion it can be held that HDUA even if is not a necessary party but is a proper party and is allowed to be impleaded as defendant No. 3. Hence, the application in hand stands allowed.'

I am of the view that since the lower Court feels that in view of provisions of Order 1 Rule 10 CPC, 1908, presence of HUDA through its Estate Officer, Faridabad, is necessary in order to factually and completely adjudicate upon and settle all the questions involved in the suit, therefore, no interference by this Court is required, in the discretion exercised by lower Court. Instant revision is dismissed.

(KULDIP SINGH)
JUDGE

24.1.2018
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No