

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

Sr. No.126

CR-5778-2018 (O&M)

Date of decision: 04.09.2018

Sukha Singh and others

....Petitioners

versus

Rattan Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. G.S. Sandhu, Advocate
for the petitioners.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 10.07.2018 passed by the Civil Judge (Junior Division), Karnal, (for short – 'the Trial Court') through which application preferred by the petitioners under Order 1 Rule 10 CPC has been dismissed.

The facts in brief which are required to be noticed for adjudicating upon the present petition are that respondents No.1 to 18 filed a suit seeking therein declaration to the effect that they are entitled to compensation for the road constructed on their land. In the alternative directions were sought to be issued to respondents No.19 to 21 to remove the illegal encroachment made by them over their land through the construction of a road. While the suit was pending, the petitioners filed an application under Order 1 Rule 10 CPC seeking therein to be arrayed as parties on the ground that in case, the Trial Court comes to a conclusion that the road constructed over the land of respondents No.1 to 18 has to be shifted, then it may be ordered to be shifted on their land which is

adjacent to the land of respondents No.1 to 18. On the dismissal of this application, the petitioners have knock the doors of this Court through the present petition.

Learned counsel for the petitioners has been heard.

Respondents No.1 to 18 filed a suit seeking therein declaration to the effect that they are entitled to compensation for the road constructed on their land. In the alternative directions were sought to be issued to respondents No.19 to 21 to remove the illegal encroachment made by them over their land through the construction of a road. Such suit with the aforesaid prayers can effectively be decided without joining the petitioners as parties as no right of the petitioners would be effected if either of the prayers made by respondents No.1 to 18 is accepted. Even otherwise, respondents No.1 to 18 being the plaintiffs have right to choose against whom they intend to litigate.

In view of the above, no error is found in the order impugned before this Court.

Dismissed.

(DEEPAK SIBAL)
JUDGE

September 04, 2018
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No