

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

Hemlata
2018.05.30 14:44
I attest to the accuracy and
integrity of this document

CR-6793-2015(O&M)
Date of decision:24.05.2018

Balbir

...Petitioner

Versus

Dharam Dev and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. M.S.Kathuria, Advocate
 for the petitioner.

 Mr. Kulveer Narwal, Advocate
 for respondent No.11.

KULDIP SINGH, J. (ORAL)

Prayer in this petition is for setting aside the impugned order dated 07.07.2015 passed by the Civil Judge (Jr. Division), Jhajjar, vide which, an application filed by respondent No.11 under Order 1 Rule 10 CPC 1908, for impleading him as defendant, in suit filed by the petitioner, has been allowed.

Heard.

It comes out that a suit for permanent injunction has been filed by the plaintiff /petitioner against respondents No.1 to 10 regarding a plot situated in Khasra No.1220 in the revenue estate Village of Palra, Tehsil Beri, District Jhajjar. No relief was claimed against respondent No.11. Respondent No.11, namely, Kanwar Singh filed an application stating that he is a co-sharer and the plaintiff filed the suit against defendants No.1 to 10 excluding him. Therefore, he wants to become a party. The said contention prevailed before the trial Court.

I am of the view that plaintiff is the master of the suit. He is seeking permanent injunction against respondents No.1 to 10 only. No

relief against respondent No.11 has been sought, therefore, against the wishes of plaintiff, respondent No.11 cannot be made a party.

Therefore, the present revision is allowed. The impugned order dated 07.07.2015 is set aside with a direction that decree, if any, passed in the present suit will not be binding upon respondent No.11.

(KULDIP SINGH)
JUDGE

24.05.2018
Hemlata

Whether speaking/reasoned	Yes
Whether reportable	No

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