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

**Civil Revision No.6470 of 2018
Date of Decision:27.09.2018**

Karnail Singh

.....Petitioner

Vs

Nachhattar Singh and others

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 10.08.2018 passed by the Civil Judge (Sr. Divn.) Sri Muktsar Sahib, vide which the application under Order 1 Rule 10 read with Section 151 CPC for impleading the respondent No.4 as party defendant No.4 was allowed.

[2]. Perusal of the record would show that respondent No.4 is the brother of the petitioner. Petitioner filed a suit for permanent injunction restraining defendants No.1 to 3 from interfering into the peaceful possession of the plaintiff over the suit land in question. Son of the respondent No.4 has been impleaded as defendant No.3 in the suit.

[3]. Respondent No.4 filed an application for impleading himself as party defendant in the suit on the ground that plaintiff is not in possession of the suit property, he is only a co-sharer. As per revenue record, he has been shown to be in possession in an illegal manner because the revenue record viz. *khasra girdawaris* of the suit land from the years 1985 to 1990 shows that respondent No.4 was in possession of the suit property. Without there being any order correcting the *khasra girdawaris*, subsequent revenue record was changed in the name of the plaintiff. It was also contended that the change effected in the revenue record without notice to respondent No.4 was a nullity and was against the principles of natural justice.

[4]. In view of aforesaid, position of defendant No.4 was to be appreciated and permanent injunction as sought by the plaintiff cannot be granted without hearing respondent No.4.

[5]. The trial Court has taken cognizance of the aforesaid facts and impleaded respondent No.4 as party defendant No.4 in the suit.

[6]. In my considered opinion, the status of respondent No.4 viz.-a-viz. revenue records as started from the years 1985 to 1990 have material bearing so far as interest of respondent No.4 is concerned.

[7]. At this stage, without meaning anything on the ultimate merits of the case, I deem it appropriate to endorse the opinion given by the trial Court while accepting the application under Order 1 Rule 10 CPC. No exception can be made to the order passed by the trial Court. There is no error of jurisdiction in the impugned order. This revision petition is found to be devoid of merits and is accordingly dismissed.

September 27, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No