

108

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

**CR No.8123 of 2018
Date of Decision: 30.11.2018**

Chhota Singh

Petitioner

Versus

Gram Panchayat, Village Chungal, Tehsil and District Sangrur and
another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Jatiender Singla, Advocate
for the petitioner.

AVNEESH JHINGAN, J (Oral):

The present civil revision petition has been filed by the petitioner being aggrieved of the order dated 26.09.2018 passed by Addl. Civil Judge (Sr. Division), Sangrur [hereinafter referred to as 'trial Court'] allowing application of respondent No.2, under Order I Rule 10 of Code of Civil Procedure, 1908 [for brevity 'CPC'] for impleading Ajaib Singh s/o Mal Singh as defendant No.2, who is alleged to be in possession of the suit land.

The petitioner filed a suit for permanent injunction stating that father of the petitioner was in actual physical possession of the suit land and after his death, petitioner stepped into the shoes of his father and came into possession of the suit land. During pendency of

the suit, Gram Panchayat moved an application before Assistant Collector, Sangrur stating that Ajaib Singh is in possession of the suit land. Thereafter, Ajaib Singh moved an application under Order I Rule 10 of CPC for impleading him as defendant No.2. The said application was allowed vide order dated 26.09.2018. Aggrieved of the said order, present petition has been filed.

Learned counsel for the petitioner contended that as per the resolutions dated 25.10.2017 and 19.03.2018 of the Gram Panchayat, petitioner is in possession of the suit land and the application made by the Gram Panchayat before the Assistant Collector, Sangrur is not supported by any resolution. Hence, the same cannot be relied upon to say that Ajaib Singh is in possession of the suit land.

The petitioner is aggrieved of the order allowing impleadment of Ajaib Singh as defendant No.2.

In the suit, the Gram Panchayat has already been proceeded ex-parte vide order dated 07.05.2018. Gram Panchayat made an application before the Assistant Collector stating that Ajaib Singh is in possession of the suit land. At this stage, for dealing with the application for impleadment, the merits of the case are not to be considered. The only issue to be decided is that whether respondent No.2 is a necessary party for adjudication of the *lis* or not. The issue that application made before Assistant Collector cannot be relied upon would be dealt with by the trial Court at the relevant stage.

Since the dispute is with regard to possession of the suit land and the stand taken by the Gram Panchayat in the application moved before the Assistant Collector, Sangrur, was that Ajaib Singh is in possession of the suit land, in such circumstances, it cannot be said that Ajaib Singh is not necessary party to the suit proceedings.

No interference is called for in the impugned order.

The civil revision petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

November 30, 2018

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| 1. Whether speaking/ reasoned | : | Yes/ No |
| 2. Whether reportable | : | Yes/ No |