

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No. 1267 of 2014 (O&M) in
CWP No. 5161 of 1985
Date of decision: 24.4.2018

Chhindo and others

.. Appellants

v.

Teja Singh (deceased through LRs) and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B. S. WALIA

Present: Mr. Sudeep Mahajan, Advocate for the appellants.
Mr. Vipin Mahajan, Advocate for respondent no. 15 (i).
Mr. Suveer Sheokand, Addl. Advocate General, Punjab.

...

Rajesh Bindal J.

The order passed by the learned Single Judge allowing the writ petition vide order dated 30.6.2014 has been impugned by filing the present intra-court appeal.

The grievance raised by the appellants is that in the proceedings against them under the Evacuee Interest (Separation) Act, 1951 in Misc. Civil Appeal No. 25 of 1984 filed before the District Judge, the appellants were impleaded as respondents No. 9 to 20. Though the aforesaid order was challenged by filing the writ petition, however, the appellants were not impleaded as parties. They are in possession of the property as mortgagees. Having come to know about the pendency of the litigation, the appellants filed CM No. 1950 of 2005 for being impleaded as parties to the writ petition. Notice in the application was issued, however, without deciding the same and affording opportunity of hearing to the appellants, the writ

petition was allowed, hence, the order be set aside and the matter be

remitted back.

Learned counsel for the respondents did not dispute the aforesaid factual position.

After hearing learned counsel for the parties and considering the fact that the appellants, who were parties before the District Judge, whose order was impugned by filing the writ petition, had not been impleaded as parties and the order was passed at their back without even finally deciding the application filed by them for being impleaded as respondents in the writ petition, in our opinion, the order passed by the learned Single Judge deserves to be set aside. Ordered accordingly. The matter is remitted back, to be listed before the Single Bench, as per roster, in motion list on 18.7.2018.

As the facts remain undisputed regarding the appellants being necessary parties in the writ petition, CM No. 1950 of 2005 filed in the writ petition, which remained pending, is allowed and the appellants are impleaded as respondents in the writ petition.

The appeal stands disposed of accordingly.

(Rajesh Bindal)
Judge

(B. S. Walia)
Judge

24.4.2018
mk

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No