

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

203

**CR No.7947 of 2016 (O&M)
Date of Decision: 25.2.2019**

GRAM PANCHAYAT MANDI

.....Petitioner

Versus

MOHINDER SINGH & ORS

.....Respondents

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

Present: Mr.Malkeet Singh, Advocate
for the petitioner.

Mr.Rajiv Joshi, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has assailed the order dated 1.11.2016 passed by the Additional Civil Judge (Sr.Divn.), Phillaur, whereby the application filed by the petitioner under Order 1 Rule 10 CPC for impleadment as party defendant in the suit was dismissed.

Gainda Singh was the original owner of Khasra Nos. 200, 201 and 207, which was a *taur* of well *Pachwar Wala* (back side). Land comprised in khasra No. 201 (2-6) and 207 (1-0), total measuring 3 kanal 6 marla, was sold by Gainda

Singh in favour of Hargurdev Singh vide sale deed dated 26.6.1963. Mutation of the aforesaid transaction was also sanctioned. Khasra no.200 was not sold in the aforesaid sale deed. Thereafter, Hargurdev Singh got the land exchanged with the gram panchayat. In the exchange deed also khasra No.200 was not recited. It appears from the record that at a subsequent stage, the gram panchayat has donated the land in favour of Govt. Primary School and khasra No.200 is the bone of contention between the parties, which was never the subject matter of sale deed and exchange deed between Gainda Singh and Hargurdev Singh and thereafter, Hargurdev Singh and the gram panchayat.

Plaintiff-respondent has filed suit for possession in respect of khasra No.200 (1-0) against the Govt. Primary School and others. In the said suit, petitioner-gram panchayat cannot be treated to be a necessary or proper party in view of the fact that the petitioner-gram panchayat was never the beneficiary of khasra No.200 in the context of exchange deed. As per sale deed dated 26.6.1963, Hargurdev Singh has not purchased khasra No.200. There is no recital of khasra No.200 in the sale deed, mutation, exchange deed and even the gift deed executed by gram panchayat in favour of Govt. Primary School.

In view of the facts and circumstances of the case,
there is no error of jurisdiction in the impugned order passed by
the trial Court.

This revision petition is accordingly dismissed.

February 25, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No