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

CR-1896-2019

Date of decision:-13.05.2019

Lakhidhar through LRs

....Petitioners

Versus

Gram Panchayat Village Shaheedpur and others

....Respondents

CORAM: HON'BLE Mr. JUSTICE AVNEESH JHINGAN

Present:- Mr. Sumit Kalyan, Advocate for
Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

AVNEESH JHINGAN J. (Oral)

This civil revision has been filed under Article 227 of the Constitution of India challenging the order dated 20.09.2018 passed by Civil Judge, Junior Division, Pathankot (for short 'Civil Court') whereby the application under Order 1 Rule 10 of Code of Civil Procedure, 1908 (for short 'CPC') filed by the respondent has been allowed.

The facts in brief are that the petitioner-plaintiff filed a suit for declaration seeking that the petitioner is entitled to get the land detailed in the heading of the suit in his name on reserved price, he being in cultivating possession since 1948.

During the pendency of the suit the Gram Panchayat of Village Shaheed Tehsil and District Pathankot moved an application under Order 1 Rule 10 for impleading it as a party. In the application it

was pleaded with the land in dispute belongs to the Panchayat. The application was allowed, as it was opined that Gram Panchayat was a necessary party. Aggrieved of the order, the present petition has been filed.

Learned counsel for the petitioner argued that the Gram Panchayat has no right or title and is not concerned with the suit land and the petitioner is in cultivating possession from 1998. His grievance is that the Civil Court erred in allowing that application.

The contention of the learned for the petitioner is not well founded.

It is not disputed that the property in dispute is a Panchayati Deh. In such situation, the Gram Panchayat is a necessary party to the suit. Order 1 Rule 10 of Code of Civil Procedure empowers the Court to implead any party which is necessary for determination of real matter in dispute. The property in dispute as per pleadings in the application relates to Gram Panchayat, the Civil Court has rightly allowed the application.

No shadow can be cast upon the order of the Civil Court.

The present revision petition being devoid of merits is dismissed.

13th May, 2019

shabha

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned Yes

Whether reportable Yes