

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 2377 of 2019 (O&M)
DECIDED ON: MAY 07, 2019

RAMPHAL AND OTHERS

.....PETITIONERS

VERSUS

PRIYANKA AND OTHERS

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Shub Karman, Advocate for Mr. Manoj Kaushik, Advocate
for the petitioners.

Mr. Jasbir Singh Thol, DAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

The present civil revision petition has been preferred against the order dated 01.03.2019 passed by Additional Civil Judge (Sr. Division), Bhiwani (hereinafter referred to as 'Civil Court') allowing the application moved by the Govt. Pleader under Order I Rule 10 of the Code of Civil Procedure, 1908 (for short 'the Code') for impleading State of Haryana as defendant through Block Development and Panchayat Officer, Bhiwani.

The facts in brief are that a suit under Sections 91 and 92 of the Code, was filed by the petitioners along-with others, for declaring the Mausoleum (Mazar of Baba Datana Sayed Peer, Village Mundhal Kalan, Tehsil and District Bhiwani) to be public trust, as for last more than 100 years it has been worshipped and a very huge amount of donations/funds are being received at the above-mentioned mazar; but since there is no proper management of the

same, it's donations/funds are being misused at the hands of defendants.

During the pendency of suit, an application under Order I Rule 10 of the Code was moved by the State of Haryana for impleading the State of Haryana as defendant through Block Development and Panchayat Officer, Bhiwani. The civil court allowed the application and impleaded the State of Haryana through Deputy Commissioner, Bhiwani and Block Development and Panchayat Officer, Bhiwani. Aggrieved of the said order, present petition has been filed.

Learned counsel for the petitioners argues that Block Development and Panchayat Officer, Bhiwani is not a necessary party as there was collusion between the defendants and Block Development and Panchayat Officer, Bhiwani.

Learned State counsel, on instructions states that State of Haryana is duly represented through Deputy Commissioner, Bhiwani and he has no objection if the State of Haryana is not impleaded as defendant through Block Development and Panchayat Officer, Bhiwani.

In view of above, the impugned order is modified to the extent that in the civil suit, State of Haryana shall be represented through Deputy Commissioner, Bhiwani only.

The civil revision is disposed of, accordingly.

MAY 07, 2019
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned ***Yes***
Whether reportable ***No***