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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/4/2019 16:17
I attest to the accuracy and
authenticity of this document

CR-2617-2019 (O/M)
Date of decision : 23.4.2019

Sandeep Khandelwal Petitioner (s)

Versus

Anuj Khandelwal and others Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Tanmoy Gupta, Advocate,
for petitioner.

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KULDIP SINGH, J. (ORAL)

Petitioner is aggrieved by order dated 18.1.2019, passed by learned Civil Judge (Senior Division), Rewari, vide which his application under Order I Rule 10 CPC, 1908, has been dismissed.

It comes out that plaintiff-respondent has filed a suit for permanent injunction against seven defendants. In the said suit, present petitioner filed an application under Order I Rule 10 CPC 1908, stating that he is co-sharer and that plaintiff and defendants No. 4 to 7 have colluded and dismantling suit property. Petitioner claims that he has got interest in the property.

I am of the view that suit is for simple injunction. Plaintiff claims that he has got threat from defendants. If petitioner claims that his rights are being effected, he is always at liberty to file a separate suit, seeking appropriate relief. Since no threat is alleged in plaint from present petitioner, trial Court rightly held that petitioner is neither proper party nor necessary party.

Dismissed.

(KULDIP SINGH)
JUDGE

23.4.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No