

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

**CR No.3116 of 2019(O&M)
Date of Decision: 13.05.2019**

Dharamshala Gurudwara Chardi PattiPetitioner

Versus

Gram Panchayat and anotherRespondents

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

Present:Mr. Rakesh Kumar, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner has preferred this revision petition against the order dated 03.11.2018 passed by Civil Judge (Junior Division), Kapurthala vide which the application filed by respondent No.2 for impleadment as defendant No.2 was allowed.

[2]. Independent title suit between the plaintiff and defendant is pending consideration in which the applicant has been impleaded as party defendant. The present suit has been filed by the plaintiff for permanent injunction, restraining the defendant Gram Panchayat from leasing out, interfering and dispossessing the plaintiff from the suit property. Plaintiff claimed itself to be owner of the suit land. Plaintiff claimed

ownership on the basis of *muafidar* and Gram Panchayat is threatening to lease out the property and to dispossess the plaintiff from the suit land.

[3]. Perusal of the record would show that pendency of the appeal arising out of title suit is not in dispute. The suit filed by the plaintiff was dismissed by the trial Court and appeal is pending. Respondent No.2 filed an application for impleadment as party defendant No.2 on the premise that respondent No.2 is owner to the extent of half share in the suit property. The title to the suit in view of such a situation would remain debatable. The relief involved in the present suit could have been prayed by the plaintiff in the earlier title suit, but the plaintiff preferred to file the present suit for permanent injunction, seeking to restrain the Gram Panchayat. Respondent No.2 took the stand that the title suit between the parties is pending at the appellate stage and the present suit has been filed just to stall the auction proceedings.

[4]. Keeping in view the pendency of the title suit at appellate stage between the parties, the interest of respondent No.2 was recognized by the trial Court and application under Order 1 Rule 10 CPC for impleadment as party defendant was allowed in order to prevent multiplicity of the litigation between the parties. Plaintiff claimed its possession on the basis of

ownership. Respondent No.2 has also staked its claim to the extent of half share in the property. The possession of either of the parties would remain debatable.

[5]. In view of facts and circumstances of the case, indulgence granted by the trial Court cannot be faulted with. This revision petition is found to be totally devoid of merits and is accordingly dismissed.

13.05.2019

Prince

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No