

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

Sr. No.211

C.R. No.8012 of 2018 (O&M)

Date of decision: 05.02.2019

Gurcharan Singh

....Petitioner

versus

Dhanesar Rice Mills and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Arihant Jain, Advocate
for the petitioner.

Mr. Rakesh Gupta, Advocate
for respondents No.1 and 2.

Ms. Diya Sodhi, Asstt. A.G., Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition is directed against the order dated 20.11.2018 passed by the Civil Judge (Junior Division), Malerkotla (for short – the Trial Court) dismissing an application filed by the petitioner through which he had sought his impleadment in the suit filed by respondents No.1 and 2.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition are that respondents No.1 and 2 filed a suit for the issuance of a direction to the State of Punjab, through District Controller, Sangrur, to allot them paddy as per their entitlement and capacity. In the alternative an amount of Rs.50 lakhs as damages was sought. On being put to notice, respondent No.3, who was the only

defendant in the suit put in appearance before the Trial Court and filed a written statement refuting respondents No.1 and 2/plaintiffs' claim. It was inter alia submitted that the State had considered and not found respondents No.1 and 2 to be entitled to the allotment of paddy and the grounds on which such a decision had been taken were also detailed therein. Before the issues could be framed, the petitioner filed an application under Order 1 Rule 10 CPC seeking his impleadment as a defendant in the aforesaid suit primarily on the ground that he was a co-sharer in the land on which existed respondent No.1-rice sheller as also for the reason that the petitioner had filed complaints to the State against allotment of paddy to respondents No.1 and 2. It was further submitted that the petitioner had also filed a suit through which he had sought the issuance of directions to the State not to allot paddy to respondents No.1 and 2 primarily on the ground that he was co-sharer of the land on which respondent No.1-rice sheller existed as also for the reason that the lease deed by all the co-sharers in favour of the rice sheller which had been produced by respondent No.2 before the State authorities was a forged document. The petitioner's application was dismissed by the Trial Court giving him a cause to knock the doors of this Court through the present petition.

Learned counsel for the parties have been heard.

The suit in which the petitioner seeks his impleadment has been filed by respondents No.1 and 2 for the issuance of directions to the State to allot to them paddy for the purpose of shelling for which they say that they are entitled/eligible. Such issue concerns only respondents No.1 and 2 on one hand and the State on the other as it is only the State which is required to consider the case of respondents No.1 and 2 with regard to their

eligibility and entitlement and then for the Trial Court to consider the matter in accordance with law. In such an adjudication, the petitioner has no role especially when no claim or prayer has been made qua him by respondents No.1 and 2 and it is they who are dominus litis of their suit as also for the reason that ownership of the land on which the rice sheller exists is not the issue which has been raised in respondent No.1 and 2's suit.

In view of the above facts, the petitioner is not a necessary or proper party in the suit filed by respondents No.1 and 2. However, the ends of justice would be served if the suit filed by the petitioner being **Suit No.251 of 24.10.2017 – Gurcharan Singh vs. Food and Civil Supplies, Sangrur and another**, and the suit filed by respondents No.1 and 2 are heard by the same Court on the same date one after the other.

(DEEPAK SIBAL)
JUDGE

February 05, 2019
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No