

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

CR No. 651 of 2020

Date of Decision: 30.1.2020

The Adarsh Colony Cooperative House Building Society

...Petitioner

Vs.

Mrs. Anil Loomba and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

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

RAJIV NARAIN RAINA, J. (Oral)

The plaintiff's evidence has begun. These two revision petitions arise out of two suits between the same parties. The dispute in the two suits has arisen out of two alleged faulty numbering of plots allotted by the Cooperative Housing Society to its Members.

Mr. Jain represents the Cooperative Society which had preferred two identical applications under Order 1 Rule 10 CPC in both the suits. The applications have been dismissed by the Civil Judge (Junior Division), Ludhiana. The trial Judge has assigned reason for rejection observing that the adjudication between the parties can be settled without the interference of the applicant and effective order can be passed in their absence because the relief of permanent injunction does not fall within the ambit of business, management and constitution of the applicant Society. In this, the trial Judge missed the point that

allotment is by the Society. The original records of the Society would have to be seen, instead of summoning their records through formal witnesses on the request of either of the parties, the trial Judge should have sensed that a great deal of time would be saved if the application is allowed.

Even assuming that the Society was not a necessary party for the adjudication but at the same time it was a proper party, the presence of whom will only help the Court in coming to a right decision on a dispute of fact.

Accordingly, these petitions are accepted at the threshold as no prejudice will be caused to the either of the parties as they would themselves be seeking the record one day, which should have been produced by the Society. In such cases, the trial Court must take an aerial view of the suit from start to finish and what may be the pitfalls on the way. The greater the experience in the Junior Division the better would be the orders, ultimately helping in taking away the burden from this Court to be compelled to deal with such revisions.

As a result, the petitions are allowed. The impugned order is set aside.

(RAJIV NARAIN RAINA)
JUDGE

30.1.2020
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*