

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

CIVIL REVISION No.5263 of 2019 (O&M)
DATE OF DECISION : 30th JANUARY, 2020

Davinder Kumar

.... Petitioner

Versus

Jasbir Singh & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. M. K. Dogra, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

1. This revision petition; under Article 227 of the Constitution of India; has been filed by the petitioner praying for setting aside order dated 10.05.2019 (Annexure P-4) passed by Civil Judge (Junior Division), Amritsar, whereby the application under Order 1 Rule 10 CPC moved by one Vijay Kumar for impleading as party, has been allowed.

2. Learned counsel for the petitioner has submitted that the petitioner has filed a suit for injunction simpliciter qua the property; which is house No.G-2/4, Ganda Singh Wala, Majitha Road, Opp. BSNL Exchange, Amritsar; measuring length 196 square yards. The petitioner is not even seeking any relief against the added defendant No.3/applicant before the trial court, who had moved the application for being impleaded as defendant. The suit of the petitioner is against Jasbir Singh and his wife Jasmeet Kaur, who were the owners of the suit property. Still further, it is submitted that if the added respondent No.3/Vijay Kumar,

claims any title or interest in the suit property, he is free to file the separate suit. The counsel has also submitted that the added respondent/Vijay Kumar claims to be the owner of property in khasra No.72/1, whereas in the suit; the plaintiff/petitioner has not mentioned any khasra number.

3. Having heard learned counsel for the petitioner and having perused the case file, this court does not find any substance in the argument of learned counsel for the petitioner. The instant suit has been filed against Jasbir Singh qua his property. The added respondent/Vijay Kumar also claims to be a purchaser from the said Jasbir Singh only. Although the added respondent claims the part of the suit property in khasra No.71/11, as mentioned in the sale deed in his favour, however, in the plaint the petitioner has not mentioned any khasra number of the property. Therefore, essentially; it can be the question of demarcation of the property. The added respondent/Vijay Kumar claims to be in possession of the suit property on the basis of the sale deed, whereas the plaintiff/petitioner is also claiming the suit property.

4. It has also come on record that there have been some police proceedings qua the property. In those proceedings the added respondent/applicant had claimed to be in possession. Even though the petitioner has disputed that the Police ever found the applicant/added defendant in possession of the suit property, however, it cannot be denied that the applicant/added defendant is claiming his possession over a property which can turn out to be the suit property.

5. Hence, the presence of the added respondents/Vijay Kumar; is not only proper, but necessary for appropriate decision of the suit.

Therefore, the court below has rightly allowed the application moved by applicant Vijay Kumar.

6. In view of the above, finding no ground to interfere, the present petition is dismissed.

30th JANUARY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No