

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

Civil Revision No. 1740 of 2021

DATE OF DECISION :- August 31, 2021

Ankur Gupta and another

...Petitioners

Versus

Viney Kakkar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Rajan Singh Dadwal, Advocate for the petitioners.

The case has been taken up through Video Conferencing.

Revisionists Ankur Gupta and Anmol Gupta both brothers, sons of Sh. Atma Ram, residents of Patel Nagar, Jagraon, Teshil Jagraon, District Ludhiana, feeling aggrieved by the order dated 22.7.2021 passed by Civil Judge (Junior Division), Jagraon vide which their application under Order 1 Rule 10 CPC for impleading them as party in a suit for permanent injunction brought by Viney Kakkar and others against Chand Singh and another has been dismissed, have approached this Court by way of filing the instant revision petition.

The apprehension expressed by learned counsel for the revisionist is that the suit has been filed by Viney Kakkar in collusion with defendants Chand Singh and Darshan Singh, who are yes-men of plaintiffs wants to get a collusive decree which he may use as evidence against the revisionists at a later stage. According to learned counsel for the revisionists, the revisionists are in actual possession of the property in

dispute being joint owners.

I have heard learned counsel for the petitioners besides going through the record including the impugned order.

I find that there is no necessity of any interference with the impugned order by this Court by accepting the revision petition. The suit in question filed by Viney Kakkar against Chand Singh etc. is for grant of permanent injunction where the main thing is to be seen is as to whether the plaintiffs are in established possession of the land in dispute and question of title is not to be decided. Further more, any judgment or order passed in the said suit shall be binding between the parties to the suit only and not the third persons. The revisionists, if aggrieved can also take recourse to the separate remedy available to them under law but as rightly observed by the trial Court they are not found to be necessary party for proper adjudication of the controversy in the suit. With such observations, the revision petition stands dismissed.

(H.S. MADAAN)
JUDGE

August 31, 2021

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No