

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

CR-1810-2021 (O&M)

Date of decision: 02.11.2021

Manmohan Singh and others

...Petitioners

Versus

Bachan Chand and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Puri, Advocate for the petitioners

Mr. Vishal Munjal, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

The defendants in a suit for grant of decree of permanent injunction have filed this revision petition. The respondents-plaintiffs filed a civil suit no. 561/2021 against some of the co-owners. However, the suit was subsequently withdrawn. The plaintiffs claimed to be co-owners in the suit property. They claim that the defendants want to sell valuable portion of the joint land. The partition proceedings are pending. The plaintiffs-respondents have now filed a fresh suit against the agents of the co-owners. An application filed by the petitioners for impleading the co-owners of the property has been dismissed by the civil court against which the present revision petition has been filed. Learned counsel representing the petitioners has stated that the petitioners are only a general power of attorney and they do not independently claim any right, title or interest in the property. Learned counsel representing the petitioners contends that once the co-owners were impleaded as a party in the previous suit, the plaintiffs have wrongly omitted to implead them as party respondents in the present suit.

On the other hand, learned counsel representing the respondents contends that it is the petitioners who are raising the construction.

Once the petitioners have made a statement that they do not have any independent right, title or interest in the property, therefore, the co-owners are a proper party. In view thereof, the order under challenge is set aside. The application filed by the petitioners is allowed. The trial court is requested to issue notice to the newly added party for 03.12.2021.

All the pending miscellaneous applications, if any, are also disposed of.

02.11.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE