

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

CR-3219-2021

Date of Decision: 10.12.2021

SANTOSH AND OTHERS

...Petitioners

Versus

GULAB SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Dr. Anmol Rattan Sidhu, Sr. Advocate
with Mr. Ashutosh Gupta, Advocate
and Mr. Suvir Sidhu, Advocate
for the petitioners.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Grievance of the petitioners is that they along with their brother, who is defendant No.1 in the suit filed by respondent No.1, are in joint possession qua the suit property and also have a stake in the said family property as more particularly stated in the application under Order 1 Rule 10 and Section 151 of the Civil Procedure Code filed by them seeking their impleadment which was dismissed vide impugned order dated 06.10.2021 passed by learned Additional Civil Judge (Sr. Divn.), Narwana.

2. Having seen the nature of the suit proceedings instituted by the respondent No.1, I am of the view that the petitioners would not be prejudiced, in case, they are not impleaded as defendants. Assuming, they are in possession as they claim, since respondent No.1 has chosen not to seek any mandatory injunction against them, their rights would not be adversely affected by the outcome of the suit. Respondent No.1-plaintiff has

chosen to file the civil suit for mandatory injunction only qua one of the brothers and assuming the suit is decreed in favour of the plaintiff, the decree passed therein shall naturally operate only against one of the brothers and not the petitioners herein who are seeking to become party.

3. On the contrary, assuming the petitioners are made a party and suit is decreed, they rather stand to have adverse consequences, which in the absence of their being party, needless to say they will not be visited with.

4. No grounds to interfere are made out.

5. Dismissed.

December 10, 2021
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No