

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

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**CR-3729 of 2016 (O&M)
Date of decision: 23.12.2022**

Sukhbir Singh Mann

..Petitioner

Versus

Bhupinder Singh and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajiv Kataria, Advocate and
Mr. Aman Joon, Advocate, for the petitioner.

Mr. Harmeet Singh, Advocate, for
Mr. Vikram Anand, Advocate, for respondent no.2.

ANIL KSHETARPAL, J(Oral)

1. The petitioner assails the correctness of the interlocutory order passed by the trial court while allowing the application filed by respondent no.2 to be impleaded as a party in the suit for grant of a decree of possession filed by the plaintiff.
2. The plaintiff has filed a suit claiming the decree of possession on the redemption of mortgage. Respondent no.2 herein, has filed an application claiming that he is a tenant and the mortgage deed has been created to circumvent the tenancy. The original defendant has admitted the possession of respondent no.2 over the shop in question.
3. The trial Court in its discretion has allowed the application.
4. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.
5. The learned counsel representing the petitioner contends that the documents produced by respondent no.2 are the forged and fabricated invoices in order to create the evidence of possession. He submits that respondent no.2 is a mere stranger and therefore, the order passed by the trial court should be set aside.

6. On the other hand, the learned counsel representing respondent no.2, while supporting the order submits that respondent no.2 is a tenant in the premises/shop owned by the plaintiff and the mortgage deed is not genuine.

7. On a Court question, the learned counsel representing the petitioner has informed the Court that the shop in question was mortgaged on a mere sum of Rs.10,000/-. The shop is located in the Kapurthala City. The mortgage deed was executed in the year 2012.

8. The trial Court in exercise of its discretion has formed an opinion that respondent no.2 should be allowed to contest the case. It would not be appropriate, at this stage, for this court to express any opinion on the merits of the case.

9. Hence, the revision petition is disposed of while directing the trial Court to make sincere endeavours for the expeditious disposal of the suit, particularly when it is pending for the last 8 years.

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

December 23, 2022
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(ANIL KSHETARPAL)
JUDGE

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