

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Revision No. 7394 of 2015 (O&M)

Bhajan Singh (Since Deceased) through his legal representatives

... Petitioner(s)

Versus

Balbir Singh and Others

... Respondent(s)

AND

2. Civil Revision No. 7477 of 2015 (O&M)

Bhajan Singh (Since Deceased) through his legal representatives

... Petitioner(s)

Versus

Balbir Singh and Others

... Respondent(s)

DATE OF DECISION: 13.09.2022

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Atul Goyal, Advocate
for the petitioner(s).

Ms. Parul Aggarwal, Advocate
for the respondent No.1.

Mr. Piyush Khanna, Advocate
for the respondent No. 4 to 6.

Anil Kshetarpal, J.

1. This order shall dispose of two connected revision petitions questioning the correctness of two interlocutory orders passed by the trial Court during the pendency of the suit.

2. Through first revision petition, the challenge is to the correctness of the order passed by the trial Court permitting the plaintiff

(respondent No.1 herein) to amend the plaint. Whereas in the second

revision petition, Sh.Dalip Singh, owner of the adjoining land, has been permitted to be impleaded as a defendant.

3. The plaintiff has filed a suit for grant of decree of declaration to the effect that the plaintiff and defendant No.1 are joint owners in possession of a parcel of land on which a tube-well exists. During the pendency of the suit, the plaintiff has filed two applications, one for permission to amend the plaint and another for impleading Sh.Dalip Singh as a party, claiming that the drain passes from his land and on account of the aforesaid fact, he is a necessary party. The trial Court, in exercise of its discretion, has found that Sh.Dalip Singh should be impleaded as a necessary party.

2. The learned counsel representing the petitioner contends that in the proceedings for willful violation of the injunction order, the trial Court has observed that the drain was never demolished.

3. Such observations made by the Court, while deciding the application, cannot be treated as final and binding. The proceedings under Order XXXIX Rule 2A CPC are quasi-criminal in nature.

4. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, both the revision petitions are dismissed.

5. The miscellaneous application(s) pending, if any, in both the revision petitions shall stand disposed of.

**(Anil Kshetarpal)
Judge**

September 13, 2022
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No