

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

CR-317-2021

Date of decision: 17.01.2022

Gopal Singh

.....Petitioner

versus

Khewatdars and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. P.P.S. Tung, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The present petitioner-Gopal Singh, initially had filed a Civil Suit along with others against Khewatdars of Jumla Mustraka Malkan Hasab Rasad Jar Khewat Nidhan Singh etc. before the Court of the learned Civil Judge (Senior Division), Bathinda, seeking declaration that the plaintiffs have become owners of land measuring 26 Kanal 07 Marlas detailed therein as per *jamabandi* for the year 2015-16 by way of adverse possession. Along with the Suit an application under Order 1 Rule 8 CPC was also filed seeking permission to file the Suit against the defendants in

representative capacity. The Court of the learned Civil Judge Junior Division), Bathinda, vide impugned order dated 17.12.2020 dismissed the application. It is against that very order the instant revision has come about.

Appreciating the contentions of learned counsel for the petitioner, the Suit has been filed in a representative capacity under Order 1 Rule 8 CPC which provides that a suit can be instituted in a representative capacity on behalf of the numerous persons having same interest with a view to avoid multiplicity of litigation and such a suit is based on the premise that the defendants in such a Suit must be able to represent the common interest of all the persons but at the same time any order bars a personal decree. The property in question appears to be an agricultural land which the plaintiffs claim to be in illegal occupation over a long period of time and as has been detailed in the impugned findings, not each and every Khewatdar individual has been sued by the plaintiff and it is not reflected from the pleadings as to all the defendants who have an interest therein and to what manner and too all these persons have not been given notice by due publicity, and thus, learned lower Court has rightly dismissed the application holding that only two Khewatdars of each Khewat has been impleaded

which does not sub-serves legal purpose and the order being legal and legitimate and there being no merits in the instant revision, the same stands dismissed.

17.01.2022

Neha

(FATEH DEEP SINGH)
JUDGE

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