

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

123

CR No.2862 of 2022

Reserved on : 25.07.2022

Date of Decision : 29.07.2022

Karam Chand

.....Petitioner

Versus

Bimla & Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Dr. Rau P.S. Girwar, Advocate for the petitioner.

ALKA SARIN, J.

The present revision petition under Article 227 of the Constitution of India has been filed impugning the order dated 19.04.2022 passed by the Trial Court whereby the application for being impleaded as a defendant moved by the petitioner has been dismissed.

Learned counsel for the petitioner would contend that the Trial Court has erred in dismissing his application for being impleaded as a defendant on illegal grounds. As per counsel, the plaintiff-respondent No.1 filed a suit for possession of certain land against the defendant-respondent Nos.2 to 5. According to the counsel, the petitioner had taken this land on lease for a brick kiln vide lease deed 19.10.1992 which lease deed was for a period on fifteen years. It is submitted that after expiry of the period of lease the petitioner has remained in possession without payment of any rent and he has become owner by adverse possession. It is further submitted that the defendant-respondent Nos.2 to 5 are not in possession and as such the petitioner is a proper and necessary party to be impleaded as a defendant in the suit for possession filed by the plaintiff-respondent No.1. Attention of the Court has been drawn to the annexures with the present revision petition

to show that the petitioner is in possession of the suit land.

The Trial Court, while passing the impugned order, found that *“Perusal of the plaint reveals that that the plaintiff himself admitted the fact that the lease deed was executed between Ram Kishan and the defendant. It is rightly argued by the Ld. counsel for the respondent that the lease deed has already been expired. Neither there is any possession of the applicant nor the applicant has placed on record any document pertaining to the continuation of the lease deed”*.

The paper-book of the present revision petition is completely silent regarding the specifications and details of the land involved in the suit. No *khasra* numbers or boundaries of the suit land are discernable from any of the documents annexed with the paper-book. The counsel for the petitioner has been unable to explain how he could connect the suit land with the land allegedly in his possession. When this Court requested the counsel for the petitioner to handover a copy of the plaint the counsel retorted that he does not have a copy since he is not a party in the suit. Even the alleged lease deed dated 19.10.1992 has been withheld from the Court. This Court is unable to fathom as to how the petitioner could move the application for impleadment before the Trial Court without even knowing the contents of the suit in the absence of a copy of the plaint with him. The petitioner has, for reasons best known to him, withheld material documents from the Court. When a litigant does not disclose all material facts and documents to the Court he has no right to be heard on the merits of his grievance. A litigant approaching the Court for relief must come with frank and full disclosure of facts. If he fails to do so and suppresses material facts and documents his application is liable to be dismissed. It is one of the fundamental principles

of jurisprudence that litigants must observe total clarity and candour in their pleadings.

The civil revision petition and the documents annexed with the paper-book do not disclose any details about the land on which the petitioner allegedly ran a brick kiln. Most of these documents pertain to the period prior to the expiry of the alleged lease deed in favour of the petitioner which lease deed expired on 18.10.2007. This Court is completely in the dark as to what land was subject matter of the lease deed dated 19.10.1992. Though the name of a village is mentioned in some documents, that is not sufficient to make any connection with the land involved in the suit more so when this Court has not been apprised about the details of the suit land. The possession of the petitioner over the suit land cannot be established by any stretch of imagination also.

In view of the discussion above, this Court finds no illegality or error in the exercise of jurisdiction by the Trial Court while passing the impugned order. The present revision petition is accordingly dismissed. Pending applications, if any, also stand disposed off.

29.07.2022
jk

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO