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

Civil Revision No. 2894 of 2021 (O&M)

Date of decision: 28.01.2022

Baldev Singh and another ...Petitioners

Versus

Chand Singh alias Charanjit Singh and others ...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Kanwar Pahul Singh, Advocate, for the petitioners.

(Presence marked through video conference)

Arun Monga, J. (oral)

This revision petition has been filed by the petitioners against the order of dismissal of their application for impleadment by the trial Court.

Suit has been filed by Plaintiff/Respondent Chand Singh alias Charanjit Singh seeking permanent injunction against the defendants restraining them from interfering into his possession over the suitproperty and from dispossessing the plaintiff. Petitioners moved an application for impleadment as defendants, claiming to be necessary parties. It was dismissed by learned trial Court vide order dated 27.08.2021 on the ground that plaintiff cannot be forced to contest the suit against the persons against whom no relief is claimed by the plaintiff. Hence, the present civil revision.

Concededly, the suit filed by the plaintiff (respondent no.1 herein) is merely for an injunction while apprehending fear from the

defendants, who are family members, with respect to the suit property. In case he does not have any such apprehension from the petitioners herein, the plaintiff cannot be compelled to make them defendants/ parties in the suit. It is immaterial, if as claimed, the petitioners are also family members, and are also co-owners/ co-sharers in the property. As already stated, it is merely an injunction suit and there is no declaration sought therein with respect to the title of the suit property. Needless to say, no prejudice would be caused to the petitioners with respect to their claim *qua* the suit property, since whether or not the petitioners are co-owners and/or the plaintiff in the suit is a co-owner, is not subject matter of the trial before the Court below.

Law is well settled with respect to the possession of the co-sharer i.e. it is in the eyes of law that every co-sharer is deemed to be in joint possession and whoever is in physical possession cannot be ousted except in due course of law. Parties are at liberty to seek appropriate remedy in case they seek to enforce their right *qua* separate possession as per their share.

No ground to interfere is made out.

Disposed of accordingly.

28.01.2022

VS

(Arun Monga)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No