

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

Sr. No.123

CR No.4835 of 2022

Date of Decision: 29.10.2022

Subhash and others

.... Petitioners

Versus

Surender Pal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. G.C.Shahpuri, Advocate
for the petitioners.

TRIBHUVAN DAHIYA, J.(ORAL)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 01.10.2022 (Annexure P-10) passed by the trial Court, whereby the petitioners' application under Order I Rule 10 of the Code of Civil Procedure, 1908, for being impleaded as party to the suit for permanent injunction filed by respondents No.1 to 3 against respondents No.4 to 6, has been dismissed. The suit has been filed for restraining the defendants/respondents No.4 to 6 from interfering in the ownership and peaceful possession of the plaintiffs/respondents No.1 to 3 over the suit land.

2. The petitioners/applicants filed an application for being impleaded as party to the suit claiming that the plaintiffs have concealed the

fact that they have sold the land measuring 10 *kanal* 8 *marla* to the petitioners/applicants, vide agreement dated 14.05.2014, and as a result possession of the suit land to that extent has been delivered to them. When the plaintiffs tried to interfere with possession of the suit land, proceedings against them were initiated under Section 107/151 Cr.P.C.

3. The trial Court after considering rival contentions of the parties has held that the applicants are not necessary party for adjudicating the suit for permanent injunction filed by the plaintiffs against defendants/respondents No.4 to 6. In case the petitioners/applicants have any grievance against the plaintiffs, they have the remedy to independently proceed against them in accordance with law, but they have no right to be impleaded as defendants in a suit in which no grievance has been raised, nor any relief has been claimed against them. It has also been recorded that the applicants have concealed the material fact of dismissal of their suit for specific performance against the plaintiffs and their father, vide judgment and decree dated 22.02.2022.

4. In these facts the petitioners/applicants cannot be allowed to be impleaded as party to the suit for permanent injunction filed by the plaintiffs on the alleged ground that they are in possession of the suit land, since the instant suit is that of permanent injunction against defendants/respondents No.4 to 6 only. The petitioners/applicants cannot be said to be aggrieved against the same.

5. Learned counsel for the petitioners has relied upon judgment dated 17.11.2021 passed by Supreme Court in ***Civil Appeal Nos.6779-6780 of 2021***, titled ***Acqua Borewell Pvt. Ltd. Versus Swayam Prabha and others*** in support of his contention that the petitioners have a right to be impleaded in the suit. The judgment has no application to issue raised here, as it lays

down that interim injunction cannot be granted without affording opportunity of hearing to the affected parties. No such issue arises in the instant petition. Besides, the petitioners are not the affected parties in the suit since permanent injunction has not been sought against them by the plaintiffs/respondents No.1 to 3.

6. In view of the aforesaid, there is no ground to interfere with the impugned order dated 01.10.2022 (Annexure P-10) passed by trial Court.

7. Petition stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

29.10.2022
Maninder

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