

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.5228 of 2022

Date of Decision: November 16, 2022

Om Parkash Chhabra

...Petitioner

Versus

Monika Chhabra alias Kiran & another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Shubham Goyal, Advocate,
for the petitioner.

MANOJ BAJAJ, J.

This revision petition has been filed by the petitioner under Article 227 Constitution of India for setting-aside of the order dated 23.08.2022 (Annexure P-3) passed by the Civil Judge (Senior Division), Jalandhar dismissing the application under Order 1 Rule 10 CPC.

Learned counsel for the petitioner-plaintiff has argued that during the pendency of the suit, the defendants-respondents have sold the property to Gurmeet Singh and Gagandeep Kaur and in view of the subsequent event, plaintiff-tenant filed an application under Order 1 Rule 10 CPC seeking their impleadment, but the court has erroneously dismissed the same. He submits that since the title of the property stands passed on to the proposed defendants, their presence would be just and necessary for effective adjudication of the suit filed by plaintiff seeking permanent injunction against his forcible dispossession.

After hearing the learned counsel and considering the above background, this court finds that the suit for permanent injunction was brought by plaintiff-tenant apprehending forcible dispossession at the hands of the then landlord and the said suit has reached at the advanced stage. Merely because the property in question stands transferred by the owners in favour of Gurmeet Singh and Gagandeep Kaur, it would not mean that they too are making an attempt to forcibly dispossess him.

During the course of hearing, it is not disputed by the learned counsel that in the application filed under Order 1 Rule 10 CPC, no such averment has been made by the plaintiff that the new owners are threatening to dispossess the plaintiff. The order passed by the trial court is based upon proper appreciation of the facts and pleadings of the parties and the said order does not suffer from any illegality or impropriety.

Resultantly, no ground is made out for exercise of revisional jurisdiction.

Dismissed.

November 16, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No