

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

CR-449-2023 (O&M)
Date of Decision: 03.02.2023

Ashish Felix

..... Petitioner

Versus

Om Prakash and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Ms. Kiranjeet Kaur, Advocate,
 for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Article 227 of the Constitution of India for quashing of the impugned order dated 01.12.2022 (Annexure P-4) passed by the Civil Judge (Junior Division), Fazilka, vide which the lower court has allowed the application of respondent No.2 filed under Order 1 Rule 10 of the Code of Civil Procedure in the main suit.

A perusal of the impugned order passed by the Court below shows that respondent No.2 has been permitted to be impleaded as defendant No.2 in the suit. The reason given by the Trial Court is that as per the record of rights, respondent No.2 is shown as co-sharer in the property in question and he has asserted in the application that he has put respondent No.1 in possession of the property in question, which the present petitioner is trying to deny. Therefore, the Trial Court has rightly arrived at a conclusion that respondent No.2 is the necessary and proper party for effective adjudication of the matter in its entirety and that the impleadment

of respondent No.2 as a party in the suit was also necessary to avoid unnecessary multiplication of the litigation.

Hence, this Court does not find any ground to interfere with the impugned order passed by the Trial Court. Accordingly, the present petition is hereby dismissed.

Since the main petition is dismissed, therefore, all the civil miscellaneous applications, if any, are also dismissed; as such.

(RAJBIR SEHRAWAT)
JUDGE

03.02.2023
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No