

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-7884 of 2015 (O&M)
Date of Order: 02.08.2023

Avtar Singh and another

.Petitioners

Versus

Vijay Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Sunny K.Singla, Advocate
for the petitioners.**

**Mr. Vikas Kumar, Advocate
for Mr. B.D.Sharma, Advocate
for respondent no.1.**

Mr. Anurag Bansal, AAG, Punjab.

ANIL KSHETARPAL, J

1. An application filed by the petitioners under Order 1 Rule 10 CPC with a prayer to implead them as defendants in a pending suit filed for declaration has been dismissed. The petitioners claim to be in possession of the property owned by the Punjab State. They claim to be interested in the litigation.

2. On the other hand, the plaintiff has filed a suit for grant of decree of declaration on the basis of the sale deed executed by defendant no.3 on 30.07.2009. It is claimed that the property was actually allotted to defendant no.3, who in turn transferred the property in favour of the plaintiff.

3. In the facts of the case, the court has held that the plaintiff is neither necessary nor a property party.

4. The learned counsel representing the petitioners claims that in

the proceedings for correction of khasra girdwari the petitioners were found to be in possession of the property.

5. This court has considered the submissions of the learned counsel representing the petitioners.

6. The plaintiff is a dominus litis. He has filed a suit on the basis of a registered sale deed. His suit is also for grant of decree of declaration that he is an owner in possession of the property. Moreover, the order passed by the revenue authorities during the pendency of the suit is subject to decision of the civil court.

7. Hence, no ground to interfere is made out.

8. Dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

August 02, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

:YES/NO

Whether reportable

:YES/NO