

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

246

CR-1470-2019

Date of Decision :20.03.2023

Mahant Dilbagh Singh**..Petitioner****Versus****General Public and another****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. N.C. Kinra, Advocate for the petitioner.

Mr. Armaan Goyal, Advocate for

Mr. Naveen Kumar, Advocate for respondent No.2.

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Harsimran Singh Sethi, J. (Oral)

In the present revision petition, the challenge is to order dated 07.01.2019 (Annexure P/1) passed by the trial Court by which, an application filed by the respondent No.2 under Order 1, Rule 10 read with Section 151 of the CPC was allowed.

Learned counsel for the petitioner submits that without any valid justification especially, when respondent No.2 is not a necessary party or even proper party, the said application has been allowed by the Court below without appreciating the fact that claim of respondent No.2 that she is wife of Mahant Paramjeet Singh is falsified for the simple reason that no married man can be treated as Mahant of the Gurudwara.

Learned counsel for the petitioner submits that certain observations have been made by the trial Court while passing the impugned

order which may adversely effect the petitioner.

Learned counsel for the respondent No.2 submits that in the present case, the dispute between the petitioner and respondent No.2 had reached the local administration wherein, memorandum of agreement was signed on 13.12.2015 between the petitioner and respondent No.2, which agreement shows acknowledgement of interest of the respondent No.2 in the property in question by the petitioner himself hence, now the petitioner cannot turn around saying that respondent No.2 is not a necessary party.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Though, it is a settled principle of law that nobody can be brought on record to contest against the plaintiff and that too against his/her wish but it is equally good that all the parties necessary for adjudicating the issue in hand should be brought before the Court. In the present case, it has not been denied that there was a memorandum of agreement dated 13.12.2015 between the petitioner and respondent No.2 qua the same property when the dispute was raised before the executive authority, wherein, petitioner acknowledged the interest of respondent in the property in question.

That being so, acknowledging the interest qua respondent No.2 in the property in question proves that she is a proper party. Hence, the impugned order allowing the application of respondent No.2 filed under Order 1, Rule 10 of the CPC by the trial Court cannot be treated arbitrary and illegal or without jurisdiction.

Further, this Court has no apprehension that the issues will be decided on the basis of the evidence, which will come on record and the

observations made by the trial Court while passing the interim order will not be treated to be on merits.

Keeping in view the above, no interference is called for by this Court and the present revision petition is accordingly dismissed.

March 20, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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