

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(113)

CR No.1881 of 2023

Date of Decision : 24.03.2023

Amrik Singh and another

...Petitioners

Versus

Makhan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sudhir Paruthi, Advocate for the petitioners.

Harsimran Singh Sethi J. (Oral)

The present Civil Revision petition has been filed challenging the order dated 12.05.2022 (Annexure P-3) by which, the application filed by the petitioners under Order 1 Rule 10 CPC to be impleaded as respondents in the suit filed by respondent Makhan Singh, has been dismissed.

Learned counsel for the petitioners argues that once the petitioners are claiming ownership of the property in question in respect of which injunction suit has been filed, the petitioners might not be a necessary party but they are proper party hence, the application for impleadment should have been allowed so as to implead the petitioners as respondents in the said Civil Suit and hear them qua the question of their ownership in respect of the property in question, hence the impugned order dated 12.05.2022 is liable to be set aside.

A bare perusal of the impugned order would show that the suit filed by Makhan Singh is against Kulwinder Singh and other defendants

seeking permanent injunction simplicitor. The question of ownership is not the issue in the said suit. Furthermore, it has been mentioned in the impugned order that qua the ownership, the petitioners herein have already filed a Civil Suit against Makhan Singh, which is already pending consideration.

That being the factual position, once in the said Civil Suit, no relief has been sought against the present petitioners and question of ownership is not to be decided in the said suit, the dismissal of the application by the trial Court seeking impleadment, in the facts and circumstances of the present case, cannot be treated as arbitrary, illegal or caused prejudice in the case of the petitioners in any manner.

Dismissed.

March 24, 2023

jt

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No