

CR-3836 of 2022

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

CR-3836 of 2022

Reserved on: 02.08.2023

Pronounced on: 21.08.2023

Sadhu Ram

.....Petitioner

Versus

Jagraj Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by: Mr. Ajit Kumar Sharma, Advocate,
for Mr. R.D. Yadav, Advocate,
for the petitioner.

Mr. Rao Ajender Singh, Advocate,
for respondent No.1.

NAMIT KUMAR, J.

1. Instant revision petition has been preferred by the plaintiff-petitioner under Article 227 of the Constitution of India impugning the order dated 09.08.2022 passed by the Court of learned Additional Civil Judge (Senior Division), Bawal, whereby application filed by respondent No.1 under Order 1 Rule 10 CPC, has been allowed.

2. Brief facts, leading to the filing of the present revision petition are to the effect that petitioner filed a suit for specific performance and permanent injunction and mandatory injunction with consequential relief and for setting aside *adrahan nama vasika* No.1258 dated 31.08.2015, registered in favour of defendant No.3/respondent No.4 on the ground that he entered into an agreement

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to purchase the land measuring 2 kanals 14 marlas of respondents No.2 to 4 on 04.03.2015 for a sale consideration of Rs.20,50,000/- per acre and earnest money of Rs.1,50,000/- was paid by him to respondents No.2 to 4. During the pendency of the suit, respondent No.1 filed an application under Order 1 Rule 10 CPC for impleading him as a party to the suit, which has been allowed by the trial Court vide impugned order dated 09.08.2022. Hence, this revision petition.

3. Learned counsel for the petitioner contended that the trial Court failed to consider that respondent No.1 was neither necessary nor essential party for the purpose of deciding the suit. He further submitted that if the respondent No.1 was having any grievance against respondents No.2 to 4 he could have filed a separate suit against them. He further submitted that the impugned order is totally illegal and perverse, therefore, the same is liable to be set aside.

4. Per contra, learned counsel for respondent No.1 contended that respondent No.1 is a necessary party to the suit, therefore, his application has rightly been allowed by the trial Court, thus, the impugned order is legal and valid.

5. I have heard learned counsel for the parties and perused the record.

6. Perusal of the impugned order shows that respondent No.1 filed application for impleadment on the ground that respondents No.2 to 4 also entered into an agreement to sell the suit property with him and he paid Rs.3.00 lac to them as earnest money. In support thereof he placed on record photocopy of agreement to sell dated 21.09.2015

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showing payment of Rs.3.00 lac to respondent No.2 to 4 and their agreement to sell the suit property to him. The trial Court has rightly observed that respondent No.1 has cause of action to be impleaded as party to the suit as his direct interest is involved in the litigation. Moreover, impleadment of respondent No.1 will avoid multiplicity of litigation, delay in proceedings and subsequent objections

7. In view of the above, I do not find any illegality or perversity in the impugned order. Hence, the revision petition is dismissed.

21.08.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No