

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCR-5934 of 2023(O&M)
Date of Decision: 06.10.2023

Prem Chand

...Petitioner

Versus

Manish Kumar & Ors.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sushil Kumar Verma, Advocate
For the petitioner.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner for setting aside impugned order dated 19.09.2023 passed by the Court of Additional Civil Judge (Sr.Divn.), Sirsa whereby an application filed by the petitioner under Order 1 Rule 10 CPC in civil suit titled Manish Kumar Vs. State of Haryana & Ors. has been dismissed.

2. The counsel for the petitioner while assailing the impugned order has *inter alia* contended that the petitioner is a necessary party for proper adjudication of the aforesaid civil suit as he is in possession of the suit property on the basis of the auction conducted by Purusharth Committee of Bhakra oustees.

3. I have considered the submissions made by counsel for the petitioner.

4. During arguments it has come to the notice of this Court that the petitioner has already filed one suit for permanent injunction having suit

No. 417 of 2023, titled Prem Chand Vs. Manish Kumar in order to protect

his possession over the suit property. From the perusal of the written statement filed on behalf of defendants No.1 and 2 in the present suit, it appears that both Prem Chand and Manish Kumar are claiming their possession over the suit property on the basis of auctions conducted by two different authorities and both the said auctions are cancelled by Deputy Commissioner, Resettlement, Fatehabad. In the given circumstances the learned trial Court rightly dismissed the application filed by the petitioner under Order 1 Rule 10 CPC as no ground is made out to implead the petitioner as a party in the civil suit titled Manish Kumar Vs. State of Haryana & Ors.

5. Consequently, the present revision petition is hereby dismissed. However, in order to safeguard the alleged rights of the petitioner in the suit land, the learned District Judge, Sirsa is directed to transfer both the civil suits to one Court at Sirsa and both the said civil suits should be decided simultaneously by the said Court.

6. Keeping in view the nature of order being passed, no notice is required to be issued to the respondents. However, if they feel dis-satisfied with this order, they may move an application to recall the same.

(KARAMJIT SINGH)
JUDGE

06.10.2023
Jiten

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