

122.

2023:PHHC:154471

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

CR-7271-2023

Date of decision: 04.12.2023

KABAL SINGH

.... Petitioner

Versus

LABH SINGH AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. S.S. Sahu, Advocate, for the petitioner.

GURBIR SINGH, J. (Oral)

1. Prayer in this revision petition filed under Article 227 of the Constitution of India is for setting aside the order dated 15.09.2023 (Annexure P-1) passed by learned Additional Civil Judge (Senior Division), Tohana, District Fatehabad, whereby the application under Order 1 Rule 10 CPC filed by the applicants-respondents No.1 to 6 for their impleadment was allowed.

2. The petitioner-plaintiff filed a suit for declaration to the effect that a case No.10/M of 17.07.1993, decided on 30.11.1994, titled as *Babu Singh Versus Baru Singh* declaring Dhanna Ram as dead and on the basis of which, certain mutations entries and release deeds were made, which are liable to be cancelled and he is legally entitled to be incorporated in the revenue record. He had also sought for permanent injunction restraining the defendants from selling, mortgaging, leasing and encumbering, creating any charge over the suit land and further defendant No.37, who is Tehsildar,

Tohana, District Fatehabad, be directed to stop the partition proceedings, on the basis of illegal entries of mutations.

3. Learned counsel for the petitioner has contended that the petitioner-plaintiff has not claimed any relief against the applicants and no evidence is to be led by them to decide the issue involved in this case. Therefore, the applicants are neither necessary party nor proper party.

4. I have heard the submissions of learned counsel for the petitioner and have gone through the paper book.

5. The applicants i.e. respondent No.1 to 6 herein are party in partition proceedings and in case any stay is granted restraining defendant No.37 i.e. Tehsildar, Tohana, District Fatehabad to stall the partition proceedings, then the applicants would be adversely affected. The applicants are co-sharers and have interest in partition proceedings, for which, interlocutory injunction has been sought to stop the same. They are proper parties. They have every right to oppose the restrain order to stop the partition proceedings. The court below has rightly held so and I do not differ with the same. The revision petition stands dismissed accordingly.

(GURBIR SINGH)
JUDGE

December 04, 2023
sanjeev

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