



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.3145 of 2023 (O&M)

Date of Order:23.05.2024

Julian Alexander

.Petitioner

Versus

Union of India and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjiv Kumar Yadav, Advocate
for the petitioner.

Mr. S.K.Sharma, Advocate
Senior Panel Counsel, Union of India
for respondent no.1 and 2.

Mr. Prateek Mahajan, Advocate and
Mr. Daanish Mahajan, Advocate
for respondent no.10.

ANIL KSHETARPAL, J

1. In this revision petition, plaintiff no.2 assails the correctness of the trial Court's order passed on 15.05.2023, which dismissed his application for impleading predecessor-in-interest of defendant no.10.

2. The petitioner along with another filed a suit under Section 92 of the Code of Civil Procedure, 1908, for declaration that the suit property vests with the persons of Christian faith and Leapers and to restrain defendant no.10 from further alienating the property.

3. During the pendency of the suit, he filed an application under Order 1 Rule 10 CPC to implead the predecessor-in-interest of defendant no.10. In substance, the plaintiff claims that the vendors of plaintiff no.10 should be impleaded as a party. The court has dismissed the same on the

ground that the plaintiff has failed to prove as to how they are necessary party.

4. The learned counsel representing the petitioner submits that the vendors of defendant no.10 are necessary party because subsequently a complication may arise.

5. This court has considered the submissions of the learned counsel representing the petitioner.

6. An application under Order 1 Rule 10 CPC can be allowed only if the plaintiff establishes before the court that the necessary party has not been impleaded. In this case, the ownership, if any, vests with defendant no.10, who is already a party to the suit. His vendors have already transferred their interest in favour of defendant no.10.

7. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

8. Dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

May 23, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO