



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

132

CR-5526-2024 (O&M)
Date of Decision : 23.09.2024

Pirithi Singh and OthersPetitioners

VERSUS

Tehsildar/Assistant Collector and OthersRespondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mohit Kumar, Advocate for the petitioners.

ALKA SARIN, J. (Oral)

1. Present revision petition has been filed under Article 227 of the Constitution of India challenging the order dated 23.07.2024 passed by the Trial Court vide which the application under Order I Rule 10 of the Code of Civil Procedure, 1908 filed by respondent No.3 herein for being impleaded as a defendant has been allowed.
2. The brief facts relevant to the present *lis* are that the plaintiff-petitioners herein filed a suit for declaration and permanent injunction challenging the orders of possession which were issued by defendant-respondent Nos.1 and 2. Defendant-respondent No.3 herein filed an application for being impleaded as a party averring in his application that he was a necessary party as the suit had been filed challenging the *Sanat Taksim* order and defendant-respondent No.3 was a party to the application for partition and the fate of the present case would effect a valuable right in favour of the defendant-respondent No.3. Reply was filed to the said

application. Vide the impugned order dated 23.07.2024, the said application has been allowed.

3. Learned counsel for the petitioners would contend that no relief is being sought against defendant-respondent No.3 and that despite an order of stay, the warrants of possession have been issued, hence the suit against the official defendant-respondent Nos.1 and 2 i.e. Tehsildar and Halqa Patwari and that defendant-respondent No.3 is not a necessary party.

4. Heard.

5. In the present case, admittedly defendant-respondent No.3 was a party to the partition proceedings. The *Sanat Taksim* was prepared by Assistant Collector, 1st Grade, Dhand on 15.10.2020 for the land comprised in Khewat No.72. The *Sanat Taksim* was challenged by filing revision petition bearing No.ER-962 of 2021 by the plaintiff-petitioners herein before the Commissioner, Karnal Division, Karnal wherein the order passed by the Assistant Collector, 1st Grade, Pundri was stayed. However, the warrants of possession were issued on 29.04.2022 by defendant-respondent No.1. The argument of learned counsel for the petitioners that the relief claimed was qua defendant-respondent Nos.1 and 2 and hence defendant-respondent No.3 was not a necessary party, cannot be accepted. Admittedly, defendant-respondent No.3 was a party to the partition proceedings and would be vitally effected if the warrants of possession are set aside. In view of the fact that defendant-respondent No.3 admittedly was a party to the partition proceedings, no fault can be found with the impugned order passed by the Trial Court allowing the application under Order I Rule 10 CPC.

6. In view of the above, I do not find any merit in the present revision petition, which is being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

23.09.2024
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO