

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 5506 of 2023

Date of Decision: 18.01.2024

Major Dalip Singh (Retd.) (Since Deceased) through his Legal Representative

... Petitioner(s)

Versus

The Collector, District Tarn Taran and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Harsh Aggarwal, Advocate
for the petitioner(s).

Mr. Sharad Mehra, Advocate
for the respondent No.3.

Anil Kshetarpal, J.

1. This revision petition has been filed by the petitioner (plaintiff) to challenge the validity of the order passed by the trial Court on 05.07.2023, allowing the application filed by the contesting respondents to implead them as a party in the plaintiff's suit for grant of mandatory injunction.
2. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper-book.
3. The learned counsel representing the petitioners contends that Raja Karam Singh was the original owner and after his death, the property came to the share of as many as 13 legal representatives. He submits that some land of the petitioners was declared surplus, however, they were permitted to retain the permissible area. He further submits that in this suit,

the plaintiff has only sought mandatory injunction directing the defendants (State Authorities) to sanction mutation.

4. On the other hand, the learned counsel representing the respondent No.3 submits that the legal representatives of Raja Karam Singh had sold some part of the suit property vide registered sale deeds, therefore, they are the necessary party.

5. This Court has considered the submissions of the learned counsel for the parties.

6. The respondents claim to have purchased the land by a registered sale deed from some of the heirs of Raja Karam Singh. The trial Court has granted an opportunity to the respondents to defend the suit. The parties are yet to lead evidence. The defendants are required to be given an opportunity to prove that the various sale deeds executed by the legal representatives of Raja Karam Singh in their favour, were genuine. The respondents also claimed that they are the owners in possession of the properties which have been sold through the various registered sale deeds. For the complete adjudication of the case, the trial Court has permitted the impleadment of the respondents. In the exercise of the revisional jurisdiction, this Court does not find it appropriate to interfere with the impugned order because the *inter se* rights between the plaintiffs and the newly added defendants are required to be decided after granting them an opportunity to lead evidence.

7. Keeping in view the aforesaid facts, no ground is made out to interfere with the impugned order. Hence, the present revision petition is dismissed.

8. The trial Court is requested to make sincere endeavour for expeditious disposal of the case.

(Anil Kshetarpal)
Judge

January 18, 2024
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No