



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

132

CR-4534-2025

Date of Decision: July 21, 2025

Baljit Singh @ Baljit Singh Palahi

.....Petitioner

Vs.

Naresh Kumar and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Manmeet Singh Rana, Advocate and
Mr. Aaryan Kargwal, Advocate for the petitioner

SUDEEPTI SHARMA J. (ORAL)

Challenge in this Civil Revision is for setting aside the impugned order dated 25.05.2025 (Annexure P-7), passed by learned Civil Judge (Junior Division), Phagwara, whereby the application filed by respondent No.3 under Order 1 Rule 10 CPC read with Section 151 CPC, for impleading him as defendant No.3 has been allowed.

2. Learned counsel for the petitioner contends that learned Civil Judge (Junior Division), Phagwara has wrongly allowed application under Order 1 Rule 10 CPC read with Section 151 CPC filed by respondent No.3 since the Khasra numbers mentioned in the application filed by the respondent are altogether different from the property which is involved in the suit.

3. I have heard learned counsel for the petitioner and perused the impugned order dated 25.05.2025 (Annexure P-7). The relevant portion of the same is reproduced as under:-



“5. In my considered view, the defendants have placed on record copies of the documents including the mortgage deed showing that Naresh Kumar and Sunny Kumar defendants have taken loan from the applicant bank and have also mortgaged property in respect of the said land as security. Even the defendants in their written statement also have stated that the suit property has already been mortgaged by the defendants and proceedings for recovery under the SARFAESI Act are pending. Hence, from the aforesaid circumstances, it prima facie shows that the suit property vide which the plaintiff has filed suit for possession by way of specific performance of the agreement to sell, the same is lying mortgaged with the applicant bank. Since the applicant bank is mortgagee of the suit property and loan qua the suit property is unpaid, rights of the applicant will severally effected if the decree in this case is passed without hearing the applicant. In the said case, applicant is a necessary party in this case. Accordingly, this application for impleading the applicant as defendant in the present case is hereby allowed. The applicant ICICI Bank Ltd. Hoshiarpur Road, Branch Phagwara, is impleaded as defendant no.3 in the present case.”

4. A perusal of the above shows that learned Civil Judge (Junior Division), Phagwara, has passed a well reasoned order, which calls for no interference by this Court.

5. In view of the above, the present Civil Revision is dismissed.

6. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

July 21, 2025

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Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No