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

CR-5146-2024 (O&M)

Date of Decision : 06.03.2025

Mohan Singh

... Petitioner(s)

Versus

Gram Panchayat Ujina & Anr

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajnish Gupta, Advocate for the petitioner.

Mr. V.K. Pandey, Advocate for respondent No.1.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed by the petitioner challenging the order dated 02.05.2024 (Annexure P-10) vide which the application filed by the Gram Panchayat (respondent No.1) under Order 1 Rule 10 of the Code of Civil Procedure, 1908 was allowed.

2. Brief facts relevant to the present *lis* are that the plaintiff-petitioner herein filed a simpliciter suit for permanent injunction claiming that he is in possession of the suit property. On 12.02.2021 a notification was issued by the Government of Haryana, Development and Panchayats Department, vide which the Gram Panchayat Ujina, Tehsil and District Nuh was dissolved w.e.f. 23.02.2021. Vide order dated 07.05.2021 the Gram Panchayat was proceeded against ex parte in the present suit. Subsequently, the Administrator i.e. BDPO filed an application for being impleaded as a party on 24.01.2022. Reply was filed to the said application and the BDPO was permitted to be impleaded as a party vide order dated 08.02.2022.

Thereafter a written statement filed by the BDPO and the evidence was also led. Now at the stage when the case was fixed for rebuttal and arguments, an application was filed by respondent No.1 for being impleaded as a party on the ground that the Gram Panchayat was reconstituted on 02.11.2022. Reply was filed to the said application. Vide the impugned order the Trial Court allowed the application, however, held that since the Gram Panchayat is already a party to the suit, amended title would not be required. Aggrieved by the same, the present revision petition has been filed.

3. Learned counsel for the plaintiff-petitioner would contend that once the Gram Panchayat was already a party to the *lis* and its name had not been struck off from the array of parties, the question of being impleaded again on an application under Order 1 Rule 10 CPC would not arise.

4. Per contra the learned counsel for respondent No.1 would contend that the Gram Panchayat was proceeded against ex parte and the BDPO was impleaded as a party and, hence, now the Gram Panchayat wants to pursue the matter since it has been duly reconstituted on 02.11.2022. The learned counsel would further contend that the Gram Panchayat does not want to lead any further evidence or file any other pleadings but only wants to participate in the proceedings.

5. I have heard the learned counsel for the parties.

6. In the present case, admittedly the Gram Panchayat was originally impleaded as a party and its name was never struck off from the array of parties. The Gram Panchayat was proceeded against ex parte vide order dated 07.05.2021. On an application filed by the BDPO, who was appointed as an Administrator, the BDPO was impleaded as a party.

Thereafter, a written statement was filed by the BDPO and the evidence was also led. The question of being impleaded as a party under Order 1 Rule 10 CPC would not arise as the Gram Panchayat is already a party to the *lis*. A person who is already a party to the *lis* cannot be again impleaded under Order 1 Rule 10 CPC. It is also to be noticed that though the application has been allowed by the Trial Court, however, it has been noticed that the Gram Panchayat is already a party to the suit and hence the amended title would not be required. The Trial Court was alive to the fact that the Gram Panchayat is already a party and hence the question of allowing the present application did not arise.

7. In view of the above, the present revision petition is allowed. The impugned order dated 02.05.2024 is set aside. It is however made clear that the respondent No.1 would always be at liberty to file a requisite application in accordance to pursue his remedies.

8. Disposed off accordingly. Pending applications, if any, also stand disposed off.

06.03.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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