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

CR-7518-2024 (O&M)

Date of Decision : 17.10.2025

Gian Parkash

... Petitioner(s)

Versus

Sudarshan Kumar Jagga & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Abhishek Jhamb, Advocate for the petitioner.

Mr. Ashwani Bakshi, Advocate for respondent Nos.1 and 2.

Mr. T.P.S. Makkar, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed by the petitioner under Article 227 of the Constitution of India impugning the order dated 18.09.2024 (Annexure P-6) whereby his application under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (CPC) for being impleaded as a necessary party has been dismissed.

2. Brief facts relevant to the present *lis* are that the plaintiff-respondent Nos.1 and 2 had filed a suit in December 2020 for permanent injunction restraining the defendant Nos.1 and 2 (respondent Nos.3 and 4 herein) from demolishing Seth Thakar Dass Ahuja Memorial Edwardganj Public Parking situated opposite Dr. Pritpal Hospital, Main Bazar, Malout measuring 110 x 40 ft. alongwith 9 ft. passage on each side as well as for mandatory injunction directing the defendant Nos.1 and 2 (respondent Nos.3

and 4 herein) to remove the temporary tin shed built on the public parking. Subsequently, the present suit had been withdrawn qua the plaintiff-respondent No.2. The petitioner herein filed an application under Order 1 Rule 10 of CPC for being impleaded as a party on 20.07.2023 averring therein that the petitioner was in possession of the suit property being a lawful tenant and, therefore, he was a necessary party. Though in the application it does not state as to when the petitioner was inducted as a tenant, however, with the present petition the petitioner himself has appended the rent deed in his favour as Annexure P-3 which is dated 02.03.2022 i.e. post the filing of the suit. Reply was filed to the said application and vide the impugned order dated 18.09.2024 (Annexure P-6) the said application was dismissed. Hence the present revision petition.

3. Learned counsel for the petitioner would contend that the petitioner being in possession of the suit property is a necessary party and that the permission for building work was taken prior to the filing of the civil suit and, therefore, being a tenant, he is the necessary party.

4. Learned counsel for respondent No.3 states that he would not have any objection either way.

5. Learned counsel for respondent Nos.1 and 2 would contend that the suit was filed in December 2020 and the petitioner admittedly was inducted as a tenant in the year 2022 and, hence, his induction would be hit by principles of *lis pendens*. Therefore, the petitioner who has come in possession of the suit property post the filing of the civil suit would not be a necessary party. Even otherwise, the owner has been impleaded who would be the main contesting party.

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

7. In the present case the petitioner, admittedly, was not in possession of the suit property when the civil suit was filed. Infact, a perusal of the civil suit which has been appended with the present petition (Annexure P-4) reveals that the mandatory injunction was for removing the temporary tin shed. However, now it appears that a proper shop has been constructed and the petitioner herein was inducted as a tenant in the year 2022 as per the rent deed dated 02.03.2022 which has been appended by the petitioner himself as Annexure P-3 with the present petition. Since the petitioner has been inducted post the filing of the suit, the said action is hit by principles of *lis pendens*. The owner has already been impleaded as a party. In view thereof, the present petitioner is neither a necessary nor a proper party.

8. In view of the above, no fault can be found with the impugned order dated 18.09.2024 (Annexure P-6) passed by the Trial Court. The present revision petition being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

17.10.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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