

Kulvinder Surin & Others vs. Chattar Singh & Others

Civil Suit No.20 of 2023

19.09.2023

Present: Mr. Neeraj Gupta, Senior Advocate, with Pranjali Munjal, Advocate, for the plaintiffs.
Mr. Y.P. Sood, Advocate for the defendants.
Mr. B.N. Sharma, Advocate for the applicant in OMP No.252 of 2023.

OMP No. 252 of 2023.

By way of the present application filed under Order 1 Rule 10 read with 151 CPC, the applicants Virender Singh Thakur and Dev Raj, have sought the indulgence of this Court to implead them as party-defendants, in the main suit, on the ground that they are owner-in-possession of the land detailed and described, in para 2 of the application, which is admittedly the suit land. According to them, they have neither entered into any agreement nor they are party to the lis.

2. The applicants have also objected to the status of the plaintiffs, as non-agriculturist. It is their case that the plaintiffs and defendants No.1 to 4, have fraudulently prepared a receipt of the amount of Rs.20,00,000/-. The applicants, being aggrieved from the interim directions, obtained by the plaintiffs, have prayed that they may kindly be impleaded, as defendants No.5 and 6, in the present lis.

3. When put to notice, defendants No.1 to 4, have made no objection, in case, the application is allowed, however, the prayer, so made in the application has been

opposed by the plaintiffs by filing reply, in which, the factual position, as mentioned in the application, has been controverted by reiterating the stand, as taken by them, in the plaint.

4. The factual position with regard to the fact that the applicants are owner-in-possession has also not been disputed, but, according to the case, as set up by the plaintiffs, they have entered into an agreement with some of the land owners.

5. On the basis of the above facts, a prayer has been made to dismiss the application.

6. Along with the application, revenue record has also been annexed, in which, the names of the applicants have duly been recorded.

7. Considering the fact that the names of the applicants are duly recorded, in the revenue record, this Court is of the view that the applicants are necessary, as well as, proper parties in the present lis and their presence is necessary for the effective adjudication of the dispute *inter se* the parties.

8. Considering the said fact, the application is allowed and the applicants are ordered to be impleaded as defendants No.5 and 6, in the main suit. Amended memo of

parties, as filed, be taken on record. The application stands disposed of.

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9. Written statement, on behalf of newly added defendants No.5 and 6, be filed with three weeks.

List on **10th October, 2023.**

**(Virender Singh)
Judge**

September 19, 2023_(ps)