

(1982) 11 GUJ CK 0006
In the Gujarat High Court

Physical Research Laboratory

APPELLANT

Vs

Bhat Gopalak and Ganotiyas Sahkari Khoti Mandali Ltd.

RESPONDENT

Date of Decision : 30-11-1982

Acts Referred:

Citation : (1983) 1 GLR 661

Hon'ble Judges : A.S. Qureshi, J

Bench : Single Bench

Judgement

A.S. Qureshi, J.—This revision application is filed by the Physical Research Laboratory, Ahmebabad, against the order passed by the learned Civil Judge, Senior Division, Narol, rejecting the application of the petitioner for joining them as party-defendant in the suit between the present opponent No. 1 which is a co-operative society and the opponent No. 2 the State. The present petitioner in its application had pointed out that the subject-matter of the suit included the land which the second Opponent-State had sold to them for which they have paid the full price and that they have been given possession of the land in question by the State. It seems that earlier a suit was filed by the present opponent No. 1 against the State of Gujarat, the present opponent No. 2, in respect of this very land in which the present petitioner Physical Research Laboratory, Ahmedabad, was impleaded as party-defendant. While that suit was still pending the present opponent No. 1 has chosen to file this second suit in respect of the same land in which the present petitioner has been claiming interest to the extent of 50 Acres of land sold to them as stated above.

2. The learned trial Judge while passing the impugned order has stated that the injunction is sought against the State of Gujarat and no relief is claimed against the present petitioner, Physical Research Laboratory, Ahmedabad, and also the suit does not affect the present petitioner and, therefore, the petitioner is neither a necessary nor a proper party which could be allowed to be joined as party-defendant in the suit. The learned Civil Judge is quite clearly in error in stating that the present petitioner is neither a necessary nor a proper party. In fact the

present petitioner is not only proper but also necessary party in this suit because on the averments made in the third party application the petitioner is in possession of as many as 50 acres of the suit land and that the State having received the sale price of the land and having handed over possession of 50 Acres of land to the present petitioner the Slater would not be directly concerned as regards that portion of the suit land.

3. It is, therefore, necessary in the interest of justice that the present petitioner should have been allowed to be impleaded as party-defendant in the suit. The impugned order of the trial Court is hereby set aside. The rule is made absolute with direction that the present petitioner will be impleaded as party-defendant in the suit as prayed for. There will be no order as to costs.