

(2006) 02 P&H CK 0080

In the Punjab And Haryana At Chandigarh

Case No : Letter Patent Appeal No. 960 of 1996

Saudagar Singh and Others

APPELLANT

Vs

Kulwinder Singh and Others

RESPONDENT

Date of Decision : 01-02-2006

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 1 Rule 10

Citation : (2006) 143 PLR 190

Hon'ble Judges : H.S. Bedi, J;Ajay Kumar Mittal, J

Bench : Division Bench

Advocate : H.N. Mehtani, for the Appellant; Raj Kumar Gupta, for the Respondent

Final Decision : Allowed

Judgement

Harjit Singh Bedi, J.—This appeal is directed against the order of the learned Single Judge dated 29.7.1996 made in Civil Misc. No. 2471 of 1995 in Civil Writ Petition No. 811 of 1993 filed under Order 1 Rule 10 of the Code of Civil Procedure, whereby the application has been dismissed.

2. The learned Single Judge had dismissed the application primarily on the ground that the appellants had no interest in the land, which was the subject matter of dispute; the plaintiff was the master of the litigation and that the application had been filed to delay some collateral proceedings, which were pending before the Revenue Authorities.

3. It has been pointed out by Mr. H.N. Mehtani, the learned Counsel for the appellant, that the findings of the learned Single Judge appeared to be erroneous for the reason that the land, which was subject matter of dispute, had been purchased by the appellant on 10.11.1989 from one of the writ petitioners, i.e. Kulwinder Singh, whereas the writ petition had been filed in the year 1993 and as such to hold that the appellants were not necessary parties was not correct. We agree with the assertion. Moreover, we find that the undue delay has been

caused in the disposal of the present matter. We accordingly, allow the appeal and the application and direct that the appellants be impleaded as respondents in the writ petition.