

Harish Vs.

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Court : Punjab and Haryana

Decided On : Jul-19-2013

Appellant : Harish

Judgement :

Civil Revision No.1930 o

1. IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH Civil Revision No.1930 of 2011 Date of decision: July 19, 2013.

HarishPetitioner Versus Ram Kumar and othersRespondents CORAM: HON'BLE Mr.JUSTICE PARAMJEET SINGH 1 Whether Reporters of the local papers may be allowed to see the judgment?.

2) To be referred to the Reporters or not?.

3) Whether the judgment should be reported in the Digest?.

Present: Mr.C.B.Goel, Advocate, for the petitioner.

Mr.Sudhir Mittal, Advocate, and Mr.S.P.Chahar, Advocate, for respondent no.1.

PARAMJEET SINGH, J.(Oral) Instant petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 05.02.2011 passed by Additional Civil Judge (Sr.Divn.).Jhajjar whereby application filed by the petitioner for impleading him as a party and also amending the preliminary decree has been

dismissed.

Kumar Parveen 2013.07.25 14:09 I attest to the accuracy and integrity of this document High Court, Chandigarh Civil Revision No.1930 o

2. I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner contends that application moved by the petitioner under Order 1 Rule 10 CPC and for amending the preliminary decree has been wrongly dismissed.

The petitioner was a co-sharer in the disputed property and he was required to be impleaded as party.

Per contra, the said contention of learned counsel for the petitioner has been opposed by the learned counsel for respondent no.1.

I have considered the rival contentions of learned counsel for the parties.

In the present case, the preliminary decree was passed on 17.01.2009 and thereafter, the final decree has also been passed.

The lower court has come to the conclusion that since the preliminary decree has been passed, the petitioner cannot be impleaded as a party.

Learned counsel for respondent no.1 has also brought to the notice of this Court that even the appeal preferred against the final decree stands dismissed vide judgment and decree dated 15.02.2013 passed by learned District Judge, Jhajjar.

Admittedly, the petitioner was not a party in those proceedings, so the same is not binding on the petitioner.

It is settled principle of law that any judgment where a person is not a party, does not bind upon him.

Dismissed.

However, the petitioner will be at liberty to take appropriate remedy available to him in accordance with law.

[Paramjeet Singh].July 19, 2013 Judge parveen kumar Kumar Parveen
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Court, Chandigarh

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