

Mukhtiar Vs Ram Kumar and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 20, 2010

Hon'ble Judges: Alok Singh, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Alok Singh, J.

Present petition is filed challenging order dated 29.4.2010 passed by Civil Judge (Sr. Divn.) Narnaul thereby transposing

the proforma defendants as plaintiffs.

2. The brief facts of the present case are that plaintiff has filed suit for permanent prohibitory injunction restraining the contesting defendants from

interfering in the suit land. The main ground taken in the plaint is that plaintiff in the suit is co-owner alongwith proforma defendants and they have

purchased the land in dispute from defendants Nos. 1 to 5 and their predecessor-in-interest Smt. Sarya widow of Bullu. Contesting defendants

preferred the counter claim in the suit. Suit of the plaintiff was directed to be dismissed in default vide order dated 17.8.2007, however, counter

claim was directed to proceed. Thereafter, proforma defendants having interest with the plaintiff moved an application before the Court for

transposing them as the plaintiff in the suit. Learned trial Court, having observed that since the proforma defendants are claiming themselves as co-

owner with the plaintiff and relief sought in the counter claim is against the plaintiff as well as proforma defendants, hence, to contest counter claim

effectively proforma defendants should be transposed as plaintiff, directed transposition of proforma defendants as plaintiffs.

3. I find no illegality or jurisdictional error in the order impugned.

4. Petition is dismissed.