

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Revision No.1316 of 2013
Date of Decision: December 15, 2015

Mandir Maharishi Markanda Udasin Ashram, Village Haryoli, Tehsil and
District Ambala

...Petitioner

Versus

Gram Panchayat of Village Haryoli, Tehsil and District Ambala & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of 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.Deepak Sharma, Advocate,
for the petitioner.

Mr.J.S.Cooner, Advocate,
for respondent Nos.1, 2 & 6.

AMIT RAWAL, J. (Oral)

Petitioner-plaintiff is aggrieved of the order dated 29.1.2013,
whereby the application filed by the applicants for being impleaded as
defendant Nos.2 to 8, has been allowed.

Mr.Deepak Sharma, learned counsel appearing on behalf of the
petitioner submits that the suit, as framed, has been filed under Section 45
of the Punjab Land Revenue Act read with Section 34 of the Specific Relief
Act that the plaintiff is owner in possession of the land through its
Mohitmim Shri Adhar Munni @ Jyanti Dass measuring 18 Bighas 14
Biswas bearing Khewat/Khatauni No.52 Min/117 Khasra Nos.742 (2-18),
744 (2-10) and Khewat/Khatauni No.78 min/184 khasra Nos.739 (4-0), 740

(5-14), 743 (3-12), situated in village Haryoli, Tehsil and District Ambala.

When the suit had reached the stage of closing of the evidence of the plaintiff, an application under Order 1 Rule 10 CPC on behalf of eight persons was filed on the ground that the then Sarpanch had colluded with the applicants and since the land belonged to the proprietors of the village, therefore, the declaration sought cannot be granted and, therefore, they are essential and necessary party for being impleaded as defendants. He further submits that the proprietors of the village had given the land only to the temple and, therefore, the petitioner cannot claim ownership of the property.

The property has been only dedicated to the temple.

Mr.J.S.Cooner, learned counsel appearing on behalf of respondent Nos.1, 2 and 6 submits that there is no illegality and perversity in the impugned order.

I have heard the learned counsel for the parties and appraised the paper book.

It is a matter of record that out of eight persons, one person, who is sought to be impleaded as defendant, had become Sarpanch and, therefore, the apprehension of collusion between the petitioner-plaintiff and erstwhile Sarpanch is misplaced. The law regarding *dominus litus* is no longer res integra. The suit framed itself shows that the declaration is being sought vis-a-vis the temple and not in the name of any private person. Once there is a candid stand in the suit that the property has been dedicated to the temple, I am of the view that the applicants, sought to be impleaded as defendants, would not be necessary and proper party.

Keeping in view of the aforementioned facts, I am of the view

that the impugned order suffers from illegality and perversity and has been passed by exceeding jurisdiction. Accordingly, the same is set-aside and the application filed under Order 1 Rule 10 CPC is dismissed.

Revision petition stands allowed.

December 15, 2015
ramesh

(AMIT RAWAL)
JUDGE