

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

**CR No. 2517 of 2015 (O&M)**

Date of decision : 10.4.2015

Nasib Singh and others

... Petitioners

VS

Karam Singh and another

... Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal**

Present: Mr. Rakesh K. Kaundal, Advocate, for the petitioners.  
Mr. S. P. Soi, Advocate, for the caveator/respondent no. 1.

**Rajesh Bindal, J.**

Challenge in the present petition is to the order dated 16.2.2015 passed by the learned Court below, whereby the application filed by the petitioners under Order 1 Rule 10 CPC for impleading them as defendants in the suit filed by respondent no. 1 against respondent no. 2, was dismissed.

It is claimed that late Niranjan Singh was owner of the house and the applicants are also co-owners thereof after his death, on the basis of a Will executed by him. The application was filed on the plea that any relief granted to the plaintiff may adversely affect them. The suit was at the stage of conclusion of evidence of the defendant when the application was filed. The learned court below dismissed the application finding that the plaintiff is the master of his suit. He cannot be compelled to contest the same against a person against his wish. No one can impose himself as defendant, the contesting party, on the plaintiff.

I do not find that there is any error in the reasoning recorded by the learned Court below. The suit filed by the plaintiff/ respondent no. 1 more than three years back is at the fag end as the defendant's evidence is nearing conclusion. None can impose himself as defendant in the suit as the plaintiff is the master of his suit. The petition is accordingly dismissed.

10.4.2015

VS

(Rajesh Bindal)  
Judge