

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.2632 of 2015
Date of Decision: December 8, 2015

Ishwar & others

...Petitioners

Versus

M/s Attractive Construction Private Limited, New Delhi & 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.Atul Gaur, Advocate for
Mr.Sumeet Goel, Advocate,
for the petitioners.

Mr.Aashish Chopra, Advocate,
for the respondents.

AMIT RAWAL, J. (Oral)

The petitioners are aggrieved of the order dated 21.3.2015, whereby the application filed under Order 1 Rule 10 of the Code of Civil Procedure for being impleaded in a suit for injunction filed by the co-sharers against other co-sharers, has been dismissed.

Mr.Atul Gaur, Advocate for Mr.Sumeet Goel, Advocate, appearing on behalf of the petitioners submits that the respondent-plaintiffs had sought injunction by impleading only few co-sharers by omitting remaining ones, thus, valuable right of the petitioners is being affected in case they are not allowed to be impleaded, therefore, their presence is essential and necessary for the adjudication of the suit and no harm would be caused to the respondent-plaintiffs as it would enable the Court to

decide the controversy between the parties to the lis.

Mr.Aashish Chopra, learned counsel appearing on behalf of the respondent-plaintiffs submits that it is a categorical case that the partition had already been effected and the property has also exchanged many hands. Since the other co-sharers, after the partition, were trying to interfere in the peaceful possession, the suit was filed seeking protection of the possession by giving the specific khasra numbers. Moreover, the plaintiffs are *dominus litus* and, therefore, the application has rightly been dismissed.

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

The law with regard to the plaintiffs being *dominus litus* is no longer *res integra*. The respondent-plaintiffs have sought injunction against the specific defendants, who were causing threat to interfere in their peaceful possession. In case the petitioners are aggrieved of the averments made in the suit vis-a-vis of partition and the sale deed, they have independent right to impugn the same by filing separate suit, but not in the manner and mode as has been chosen, in essence by becoming a party.

Keeping in view of the aforementioned facts and circumstances, I do not intend to differ with the findings rendered by the trial Court in declining the application, which are not erroneous and cannot be said to have been perverse, much less without jurisdiction. There is no merit in the revision petition. Accordingly, the same is dismissed.

December 8, 2015
ramesh

(AMIT RAWAL)
JUDGE