

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

**Civil Revision No. 2681 of 2015 (O&M)**

Date of decision : 15.5.2015

Gurkirpal Singh ... Petitioner  
vs  
Smt. Jasbir Kaur and others ... Respondents

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

Present: Mr. S. S. Bains, Advocate, for the petitioner.

**Rajesh Bindal, J.**

Challenge in the present petition filed by the petitioner is to the order dated 8.12.2014 passed by the learned court below whereby the application filed by him for impleading him as defendant in the suit, was dismissed.

Parties to the suit are claiming right in the suit property. The suit was filed by respondent nos. 1 and 2 against respondent nos. 3 to 5 inter-alia seeking declaration claiming that plaintiff no. 2 Gobind Preet Singh Cheema is owner of House No. 56, Sector 38-A, Chandigarh, consequent to execution of Will dated 15.5.1996, executed by Sukhpal Singh son of Gurmukh Singh father of plaintiff no. 2.

The application was filed by the petitioner/ applicant claiming that the property in dispute was agreed to be sold to the deceased father of the petitioner. Hence, he had right in the property. For claiming his right in the property, he has filed a suit which is in the knowledge of respondent nos. 1 and 2/ plaintiffs, hence, right of the petitioner/ applicant is likely to be affected in the suit filed by respondent nos. 1 and 2. He is a necessary party.

After hearing learned counsel for the petitioner, I do not find any merit in the present petition.

The plaintiff is the master of his suit. It is his wish against whom, he wants to contest the same. No one can impose himself to be a defendant on him, the plaintiff being the *dominus litus*. The petitioner is

seeking ownership of the suit property. The plaintiffs are also claiming ownership of the property mentioned in the suit. They have their independent right and to succeed they will have to establish their case. The petitioner cannot be said to be necessary party to be impleaded in a suit filed by respondent nos. 1 to 2 compelling them to contest the same against him. There is no error in the order passed by the learned Court below.

Further as has been claimed by the petitioner that he has already filed a suit pertaining to the same property. Once that is so, in case both the suits are pending in the same Court and not being dealt with together or if these are pending in different courts, the petitioner shall be at liberty to move application so that both the suits pertaining to the same property are dealt with on the same date by one Court. While upholding the order passed by the learned Court below, the present writ petition is disposed of with the aforesaid observations.

15.5.2015  
vs

(Rajesh Bindal)  
Judge