

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

CR No.3504 of 2013

Date of decision : 01.12.2015

Darshi Ram

...Petitioner

Versus

Booti Ram and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Ms. Satpreet Grewal Kapila, Advocate
for the petitioner.

Mr. Sunil Agnihotri, Advocate for respondent Nos.5 and 10.

AMIT RAWAL, J. (Oral)

As per office report, notice issued to respondent No.4, 11, 12, 13, 15 and 16 have been received back served but there is no representation on their behalf.

As per memo of parties, contesting respondents are respondent No.1 to 19-plaintiffs.

Challenge in the present petition is to the order dated 13.03.2013, whereby the application filed by the petitioner for impleadment, in the suit filed by respondents-plaintiffs claiming

declaration that they are owner and possession of 4 marlas of the land allotted by Gram Panchayat of Village Mastiwal vide Resolution dated 05.03.1995 and entries in the revenue record in the name of the defendant Gram Panchayat are illegal, null and void & are liable to be corrected in the names of plaintiffs bearing khewat No.260/255, khatoni No.294, khasra Numbers 9//13(8-0), 9//15(8-0), situated in the revenue estate of Village Mastiwal, Has Bast No.442, Tehsil Dasuya, District Hoshiarpur, as per jamabandi for the year 2005-2006, has been dismissed.

The case set out by the petitioner in the aforementioned suit for impleading the parties, was that the plaintiffs had filed a suit pertaining to the land measuring 3 kanals 16 marlas allegedly claimed to have been allotted 4 marlas to each of plaintiff out of total land measuring 16 kanals 0 marlas. Land is owned by Gram Panchayat. Petitioner-applicant have a valuable interest being permanent resident of Village Mastiwal and plaintiffs has also filed civil writ petition in Hon'ble High Court which was disposed of on 18.04.2012 with a direction to the petitioner to get remedy from the Civil Court.

Ms. Satpreet Grewal Kapila, learned counsel appearing on behalf of petitioner submits, that impleadment of the applicant in aforementioned suit as defendants is essential and necessary as they have valuable right in the property as the plaintiffs are likely to be affected in case suit is tried in their absence.

Mr. Sunil Agnihotri, learned counsel appearing on behalf of respondent Nos.5 and 10 submits, that plaintiffs are dominus litus of the suit. No injunction or any relief has been sought/claimed against the

petitioner and thus submits that there is no illegality and perversity in the impugned order.

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

The principles that law of dominus litus is no longer as res integra. In a suit ex facie, the respondent-plaintiff has claimed the declaration & injunction against Gram Panchayat. Even if the applicants-petitioner have any grievance vis-a-vis having a some direct or indirect interest in the property and had given liberty before the Civil Court, they are not precluded from filing independent suit instead of choosing method by moving an application under Order 1 Rule 10. In my view, view expressed by the trial Court in declining the application cannot be said to have been passed without jurisdiction.

There is no merit in the petition.

Accordingly, same is dismissed.

01.12.2015

pawan

**(AMIT RAWAL)
JUDGE**