

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

C.R. No. 361 of 2015

Date of decision: 16.01.2015

Punjab Waqf Board

....Petitioner(s)

Versus

Surinder Kumar Bajaj and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. G.N. Malik, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present revision petition is to the order dated 19.11.2014 (Annexure P-3) whereby, the application for impleadment under Order 1 Rule 10 CPC in a suit for declaration inter se the plaintiffs and the defendants regarding shop measuring 21' x 8' bearing Municipal Committee No. B-7/144 situated in the Main Bazar, Faridkot, boundaries of which are given has been dismissed.

The suit was filed by respondents no. 1 to 13 against respondents no. 14 to 17 on the ground that the shop was mortgaged on 25.08.2009 on payment of ₹2,10,000/-. The application was filed on the ground that the predecessor-in-interest of respondents no. 4 to 17 namely Janak Raj was the tenant in the shop in dispute and, therefore, the Board was a necessary party. The trial Court has relied upon the principle of dominus litus to justify its order and kept in mind that the contract was between the plaintiffs and the predecessor of the defendants with which the Board had nothing to do and, therefore, the plaintiffs cannot be forced to face litigation against the Board against whom no relief is being sought.

Counsel for the petitioner-Board has argued that the possession of the property might change hands and, therefore, they would be aggrieved.

The said submission is not acceptable since the rights of the Board would not be affected as they would continue to be the owner if they are, as alleged, and their rights to get the possession as admittedly would not be curtailed as they are not party to the lis and would not be bound by the same in any manner.

In such circumstances, the reasoning which has been adopted by the trial Court cannot be held to be erroneous in any manner which would warrant interference under Article 227 of the Constitution of India and the present revision petition is accordingly dismissed.

16.01.2015
shivani

(G.S. SANDHAWALIA)
JUDGE