

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No.566 of 2015
Date of decision:23.01.2015

Diwan Singh

.....Petitioner

Versus

Krishan & others

.....Respondents

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

Present: Mr.Sumit Sangwan, Advocate, for the petitioner.

G.S.Sandhawalia J. (Oral)

Challenge in the present revision petition, filed under Article 227 of the Constitution of India, is to the order dated 16.12.2014 (Annexure P1), whereby the application under Order 1 Rule 10 CPC of the applicant, for impleadment as party by the petitioner in a suit for partition, has been dismissed.

The petitioner is setting up an exchange deed dated 22.07.1990 (Annexure P4) and on the basis of that he was seeking to be impleaded as necessary party in a suit filed in which preliminary decree has already been passed. The Local Commissioner, who was appointed, inspected the spot, which led to the filing of the application. The agreement is not registered and on that account, the Trial Court dismissed the application. Once that is so, it cannot be said that the petitioner is, in any manner, necessary party to the litigation, having any right. In the application, it has been mentioned that the applicant had filed a separate suit challenging the decree on account of concealment of facts.

Keeping in view the background of the case, it cannot be said that the order passed by the Trial Court suffers from any illegality or irregularity. The principles of *dominus litis* does not permit a person to litigate with another one against whom he seeks no relief. It is also a matter of record that the petitioner himself has filed separate suit also, challenging the litigation initiated by the plaintiff and thus, he has chosen to get his rights settled in separate litigation which he had already filed.

Accordingly, finding no merit in the present revision petition, the same is, hereby, dismissed.

23.01.2015
sailesh

(G.S.Sandhawalia)
JUDGE