

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No.8307 of 2014  
Date of decision:02.02.2015

Gram Panchayat Village Kail th. its Sarpanch Virender Kumar

....Petitioner

Versus

Dr.Jagmal Singh & another

.....Respondents

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

Present: Mr.Vikram Jeet Singh, Advocate, for  
Mr.Aman Pal, Advocate, for the petitioner.

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**G.S.Sandhawalia J.(Oral)**

Challenge in the present revision petition is to the order dated 18.10.2014 (Annexure P5), whereby the Civil Judge (Jr.Divn.) Yamuna Nagar at Jagadhri, has dismissed the application of the applicant-petitioner, filed under Order 1 Rule 10 CPC, for being impleaded as a party.

Civil Suit for possession was filed by respondent No.1 against respondent No.2 for ejectment and for recovery of ₹81,600/- as rent along with mesne profits etc. The defence of respondent No.2 in the suit was that the shop belongs to the Gram Panchayat and the applicant had no right, title or interest. In the application filed, reference was made to the ejectment order passed by the Revenue Court on 01.06.2012, which was upheld in appeal on 04.10.2012 by the Collector.

The Trial Court had dismissed the application on the ground that the said orders were never placed on record to show whether the property was same which was subject matter of dispute. Even before this Court, the said orders have not been placed on record.

The principles of *dominus litis* do not permit a person to litigate against another party, against whom, he is seeking no relief. The suit for

possession has been filed *inter se* by respondent No.1, claiming the relief against respondent No.2 wherein the defence raised by defendant No.2, as noticed, was that Gram Panchayat was an owner. The Gram Panchayat chose not to file an appropriate application, at the initial stage also. Only when the evidence of the plaintiff-respondent No.1 was over and the case was fixed for the defendants' evidence and when last opportunity had been granted and an order had been passed that the evidence of respondent No.2 was deemed to be closed, the present application has been filed. Thus, it is apparent that the proceedings are sought to be delayed at the instance of respondent No.2, through the present petition, to avoid eviction.

Keeping in view the above totality of circumstances, since no relief has been asked against the Gram Panchayat, the order which has been passed, does not warrant any interference. Accordingly, the present revision petition is, hereby, dismissed.

02.02.2015  
**sailesh**

(G.S.SANDHAWALIA)  
JUDGE