

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No.8777 of 2014

Date of decision:12.01.2015

Jaswant Kaur & others

....Petitioners

Versus

Bhawani Dutt & others

.....Respondents

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

Present: None.

G.S.Sandhawalia J.(Oral)

Case has been called twice. There is no appearance on behalf of the petitioners.

Challenge in the present revision petition is to the order dated 09.12.2014 (Annexure P5) whereby the application filed by the petitioner-applicants to be impleaded under Order 1 Rule 10 CPC, has been dismissed by the Civil Judge (Sr.Divn.) Panchkula.

The Trial Court has come to the conclusion that the suit is for permanent injunction and the plaintiffs had not pleaded any interference at the instance of the applicants and therefore, the decree of injunction would not be binding upon the applicants. The ejectment petition, which has been filed by the applicants is already pending and had been filed after the suit for injunction had been filed. The suit in question has been filed by Bhawani Dutt against defendant-Gurvinder Singh. In similar circumstances, this Court in CR No.8746 of 2014 titled *Jaswant Kaur & others Vs. Shrikant Pandey & others* vide order dated 22.12.2014, has also been dismissed similar application filed before the

Trial Court, of even date. Relevant observations read as under:

“After hearing counsel for the petitioners, this Court is of the opinion that the said argument is not liable to be accepted. Admittedly, the suit filed by the alleged tenant is against one Gurvinder Singh, for permanent injunction whereby the dispossession from shop No.1014 has been prayed for. In the said suit, the plaintiff is alleging to be the tenant of Gurvinder Singh and seeking the relief that he be not forcibly thrown out of the said shop. Any findings which are recorded in the suit would be *inter se* the parties and will not bind the applicant who has filed a separate petition under Section 13 of Haryana Urban (Control of Rent and Eviction) Act, 1973, for ejectment in order to vacate the shop of the petitioners, on a subsequent point of time, on 16.05.2014. The principles of *dominus litis* does not permit a person who has no interest in the suit to be impleaded as a party, especially once the plaintiff is not seeking any relief against him. In such circumstances, the orders which have been passed by the Trial Court do not warrant any interference by this Court, in the supervisory jurisdiction under Article 227 of the Constitution of India.”

Accordingly, for the reasons mentioned above, finding no merit in the present revision petition, the same is hereby dismissed.

12.01.2015
sailesh

(G.S.SANDHAWALIA)
JUDGE