

**Civil Revision No. 208 of 2016(O&M)**  
**Date of Decision: 25.2.2016**

**Sarabjit Singh and others**

**---Petitioners**

**versus**

**Ranjit Singh and another**

**---Respondents**

**Coram: Hon'ble Mrs. Justice Rekha Mittal**

**Present:** Mr. B.S.Jatana, Advocate  
for the petitioners

\*\*\*

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

\*\*\*

**Rekha Mittal, J.**

The present petition has been directed against order dated 9.10.2015 passed by the Additional Civil Judge (Junior Division), Patiala, whereby an application filed by the petitioners under Order I Rule 10 of the Code of Civil Procedure (in short “CPC”), has been dismissed.

Counsel for the petitioners would contend that earlier Narata Singh, father of respondent Ranjit Singh, filed a suit for injunction in respect of the very same property against the gram panchayat in which the present petitioners were arrayed as defendants. Narata Singh was unsuccessful in getting an ad interim injunction and later he withdrew the suit. The present suit has been filed by his son Ranjit Singh for claiming a similar relief but without impleading the petitioners as a party with a view to get a favourable order against the gram panchayat and at the back of the

petitioners. It is further submitted that as the new gram panchayat is colluding with the respondent/plaintiff, there is every likelihood of the gram panchayat not defending the suit vigorously and in a proper manner. It is further submitted that the gram panchayat in the written statement has not pleaded the factum of compromise (Annexure P2) with an intent to help the respondents/plaintiff. The petitioners are required to be impleaded in the present proceedings to adjudicate the matter in controversy completely and effectively. For this purpose, he has relied upon judgment of this Court *Jagdish Chand Sharma vs. Municipal Committee, Hassanpur 1998(2) RCR(Civil) 346*.

I have heard counsel for the petitioners and perused the records.

Ranjit Singh has filed a suit for injunction against the gram panchayat claiming restraint against interference in his peaceful possession of land measuring 20.9 X 38.6/43.9 depicted in the site plan appended with the plaint. As the suit for injunction is a claim personal in nature and the respondent/plaintiff is a dominus litis, the petitioners cannot force the plaintiff to implead them as defendants even though the plaintiff has no grievance to express against the petitioners. If the Gram Panchayat, for any reason whatsoever, is not defending the suit properly, the petitioners are at liberty to file an appropriate application before the authorities controlling the affairs of the gram panchayat. The mere fact that the petitioners were impleaded as defendants in the suit filed by Narata Singh, father of the present plaintiff, is not sufficient to accept their claim for being impleaded as defendants nor they can derive any advantage from the judgment in *Jagdish Chand Sharma's case (supra)* rendered by this Court

in view of its peculiar facts and circumstances as claim of Jagdish Chand Sharma, applicant-petitioner in regard to possession of the land in question had been upheld in earlier proceedings.

In view of what has been discussed hereinabove, finding no merit, the petition is dismissed in limine but without prejudice to the petitioners to take recourse to appropriate proceedings, for redressal of their grievance, in accordance with law.

**(Rekha Mittal)**  
**Judge**

**25.2.2016**

PARAMJIT