

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Revision No. 3569 of 2016**

**Date of Decision: 23.05.2016**

B.S.Ahluwalia (since deceased) through LRs.

... Petitioner(s)

Versus

O.S.Ahluwalia and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Shekher Dhawan.**

- |    |                                                                       |            |
|----|-----------------------------------------------------------------------|------------|
| 1. | Whether reporters of local newspapers may be allowed to see judgment? | <b>Yes</b> |
| 2  | To be referred to reporters or not?                                   |            |
| 3  | Whether the judgment should be reported in the Digest?                | <b>Yes</b> |

Present: Mr. Paras Money Goyal, Advocate  
for the petitioner(s).

**Shekher Dhawan, J.**

Present petition under Article 227 of the Constitution of India for setting the order dated 22.03.2016, passed by learned Civil Judge (Junior Division), Chandigarh, whereby application, filed by respondent No.1-O.S.Ahluwalia under Order 1 Rule 10 CPC for impleading him as a party, was allowed.

Learned counsel for the petitioner/plaintiff submitted that the Court below has completely ignored the fact that applicant-Onkarjit Singh Ahluwalia is not a necessary party at all for his impleadment in the main suit. No relief has been claimed against him. Rather the suit was filed

completely ignored these facts. It is settled proposition of law that plaintiff is master of the suit and he cannot be asked to implead anyone against his wishes against whom he is not seeking any relief.

Having considered the submissions made by learned counsel for the petitioner and going through the impugned order, this Court is of the considered view that the Court below has taken correct view that respondent No.1/applicant Onkarjit Singh Ahluwalia is a necessary party to be impleaded as a party to the litigation because he is co-owner to the extent of 50% in the property. Learned counsel for the petitioner has also taken the plea that Chandigarh Administration has already issued instructions vide notification dated 20.11.2014 and the same does not decide the right of the co-owners. On this account, Chandigarh Administration may not require the presence of the respondent who is co-owner of the property but the applicant has certainly his valuable and legal right for sanctioning or non-sanctioning of the site plan. The Court below has rightly taken the view that for decision of the application under Order 1 Rule 10 CPC, the Court is to see whether the applicant is likely to be affected by the result of the suit and in the present case, respondent No.1/applicant is certainly affected by the action taken by the Chandigarh Administration as well. Earlier also, he had made complaint against the officials of the Chandigarh Administration, who, after holding an enquiry, had withdrawn the revised building plan as well.

In view of above, the Court below has taken the correct view that respondent No.1/applicant Onkarjit Singh Ahluwalia is a necessary party in his capacity as co-owner of the property to be impleaded as a party in the main suit.

Consequently, present petition is without any merit and the same is hereby dismissed.

**(Shekher Dhawan)**  
**Judge**

**May 23, 2016**  
“DK”