

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.3807 of 2014

Date of decision : 15.01.2016

Bijender Rana

...Petitioner

Versus

Meenakshi and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Present: Mr. Vikrant Hooda, Advocate for the petitioner.

Mr. Vivek Suri, Advocate for the respondent No.1.

Mr. Gobind Sharma, Advocate for
Mr. Raj Kumar Gupta, Advocate for respondent No.2.

AMIT RAWAL, J. (Oral)

The petitioner-applicant is aggrieved of the order dated 26.04.2014, whereby application filed under Order 1 Rule 10 CPC vide which petitioner sought to be impleaded as party in the suit for injunction, has been declined.

Mr. Vikrant Hooda, learned counsel appearing on behalf of the petitioner submits, that respondent-plaintiff had raised illegal construction and application in this regard was submitted to the Municipal Committee

which did not take action but thereafter took action which necessitated the respondent-plaintiff to file the suit. The aforementioned information was received by filing the application under RTI. Since the petitioner being neighbour is entitled to be impleaded as defendants so that the Municipal Council may not collude with the respondent-plaintiff who may succeed in getting the favourable order. In support of his contention, he has relied upon judgment of this Court rendered in *Smt. Shayama Jain Vs. Smt. Savitri Devi and ors*, 2002(4) RCR (Civil) 645.

Mr. Vivek Suri, learned counsel appearing on behalf of respondent No.1 submits that plaintiff is dominus litus. No relief has been sought against the petitioner. Ramp has been demolished by the Municipal Council and the action of the Municipal Council is subject matter of the litigation which shall be decided on the basis of the evidence.

Mr. Gobind Sharma, Advocate has put in appearance on behalf of Mr. Raj Kumar Gupta, and submits that Municipal Council has taken action and demolished the ramp and ensures that Court will be pursuing the matter diligently and in a most fair and transparent manner and prays that revision petition be dismissed.

I have heard learned counsel for parties and appraised the paper book.

Judgment cited (Supra) is based upon the facts of the particular case inasmuch as that the plaintiff therein had encroached the passage which seriously prejudiced the right of the applicant sought to be impleaded. However, in the instant case, the respondent-plaintiff has raised illegal construction, much less, averments made in the application under Order 1

Rule 10 reveals that plaintiff had obtained site plan by concealing certain facts. In case, the plaintiff concealed certain facts, it will be within the realm and domain of the Municipal Council to take action in accordance with law.

Since, Municipal Council has given assurance that they will be contesting the suit diligently and in a most transparent and fair manner, impleadment of the petitioner is not necessary and proper for the adjudication of the lis, particularly when the respondent-plaintiff is dominus litus and sought no relief against anybody except the impugned action of the Municipal Council.

With the aforementioned observations, impugned order is upheld.

Revision petition is accordingly dismissed.

15.01.2016

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**(AMIT RAWAL)
JUDGE**