

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

CR No.4962 of 2015

Date of decision : 12.05.2016

Surinder Singh

...Petitioner

Versus

Shanti Devi (deceased through LRs) and ors.

...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. Sanjiv Gupta, Advocate for the petitioner.

Mr. Sunil K. Panwar, Advocate for respondent Nos.1 to 3.

Mr. Raman Sharma, Advocate for respondent Nos.4 to 7.

AMIT RAWAL, J. (Oral)

The petitioner is aggrieved of the dismissal of the application filed under Order 1 Rule 10 of the Code of Civil Procedure in the suit filed by the land owner seeking possession of the property on the expiry of lease period.

Mr. Sanjiv Gupta, learned counsel appearing on behalf of petitioner submits that the landowner had let out the land to the erstwhile for a period of 20 years which was renewed in the year 1980 for another 20 years to Bharat Petroleum Corporation-lessee. For the purpose of granting petrol pump, petitioner has been granted dealership licence and, therefore, the suit in the absence of the petitioner, would not be maintainable, much less, it would have

direct bearing and effect qua interest in the property. In this regard, application was moved which has been dismissed. In support of contention, he has relied upon ratio decidendi culled out by Hon'ble Supreme Court in *Thomson Press (India) Ltd. Vs. Nanak Builders & Investors P. Ltd. and others, 2013(2) RCR (Civil) 875*.

Mr. Raman Sharma, learned counsel appearing on behalf of respondent Nos.4 to 7 does not dispute with regard to the allowing of the application.

Mr. Sunil K. Panwar, learned counsel appearing on behalf of respondent Nos.1 to 3-plaintiffs submits that there is no lis between the petitioner and his client. It is only the terms and conditions of the lease to be seen. There is no privity of the contract between the petitioner-applicant and plaintiff and thus application has rightly been dismissed. Even otherwise, principle of dominus litus would apply as no relief has been sought against the petitioner, thus prays for affirmation of the findings under challenge.

I have heard learned counsel for the parties and appraised the paper book and of the view that since the petitioner has been granted dealership by opening petrol pump at the site, his interest would seriously effect in case he is not allowed to be impleaded as party. Even otherwise it would be in the interest of the respondent-plaintiff to implead applicant-petitioner as party and assuming for the argument sake, though not admitting the suit is decreed, it may envisage the situation of third party objection which as per the provision of Order 21 Rule 101 would be tried as a suit, in such situation would prolong the adjudication of the lis. It is in these circumstances, I am of the view that applicant-petitioner would be necessary and appropriate party and he should be permitted to be impleaded as defendant in the suit. Even

ratio decidendi culled out in the judgment cited Supra is squarely applies to the facts and circumstances of the case.

For the foregoing reasons, impugned order is hereby set aside.

Revision petition is allowed.

Petitioner is allowed to be impleaded as defendant No.14.

It is directed that newly added defendant shall not make any endeavour to delay the decision of the suit and trial Court is directed to expedite the decision of the suit as expeditiously as possible. Dismissal of the previous application filed on behalf of wife and sons would be meaningless once it has been held that parties in possession who are having dealership licence, thus their presence is essential and necessary for the adjudication of the lis.

12.05.2016

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**(AMIT RAWAL)
JUDGE**