

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Civil Revision No.6118 of 2016 (O&M)
Date of decision: September 19, 2016

Dhanchittar Singh @ Bachittar Singh ...Petitioner

Versus

Tehal Singh & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. K.R. Dhawan, Advocate for the petitioner.

Rajan Gupta, J.

Present revision is directed against the order dated 16.07.2016, passed by the trial court whereby application U/O 22 Rule 4 CPC filed by the petitioner for bringing on record legal heirs of defendant No.1 Gurmukh Singh, has been dismissed.

Learned counsel for the petitioner has assailed the order. According to him, legal representatives of late Gurmukh Singh defendant are necessary party to the suit, which cannot be decided in their absence. Thus, trial court has gravely erred in rejecting the application U/O 22 Rule 4 CPC.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, a suit for declaration was filed by the petitioner/ plaintiff U/O 33 CPC as indigent person claiming ownership of land measuring 23 Kanals 12 Marlas and declaring sale deeds dated 10.09.2007 and 10.09.2001 as well as mutation Nos.4013 and 3014

regarding the aforesaid land to be null and void. After defendants closed their evidence, instant application U/O 22 Rule 4 was filed by the petitioner/plaintiff for bringing on record legal heirs of Gurmukh Singh defendant No.1. Same was dismissed by the trial court by observing that legal heirs of Gurmukh Singh are not necessary party, as stand of the petitioner/plaintiff is that his father Gurmukh Singh had acted wrongly, which was personal in nature and same might be explained by Gurmukh Singh himself during his life time or by other defendants, who are already defending the suit. Thus, petitioner had no legal right to implead legal heirs of Gurmukh Singh. I find no legal infirmity with the order. Law is well settled that plaintiff is *dominus litus*. He instituted the suit way back in the year 2014. Petitioner/applicant has not been able to establish that presence of legal heirs of Gurmukh Singh before the court is necessary to enable it completely and effectually adjudicate upon the issue. Moreover, it reveals that petitioner was already granted several opportunities by the trial court to bring on record legal heirs of Gurmukh Singh, but he failed to do the needful and thus, the court fixed the case for further proceedings and now evidence of both the parties have been closed. I, thus, find no ground to interfere in revisional jurisdiction of this court.

Dismissed.

(RAJAN GUPTA)
JUDGE

September 19, 2016
'Rajpal'