

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

C.R. No.6219 of 2016 (O&M)

Date of Decision.04.10.2016

Karamjit Singh and others

.....Petitioners

Vs

M/s PACL Limited and another

.....Respondents

Present: Mr. Vikas Mohan Gupta, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

C.M. No.19506-CII of 2016

Application is allowed.

Amended memo of parties is taken on record.

Registry is directed to tag it at the appropriate place.

C.R. No.6219 of 2016

The petitioners-plaintiffs are aggrieved of the impugned order whereby the application moved by the applicant Paras Mani Realtors Pvt. Ltd. under Order 1 Rule 10 CPC in suit seeking declaration that there is a legal, valid and concluded contract/lease vide lease deed dated 07.01.2015 executed by defendant No.1 through defendant No.2 in favour of the plaintiffs for the land measuring 480 acres, details of which given in the plaint and seeking relief of permanent injunction restraining the defendants themselves or through their employees, agents, attorneys, assignees, associates etc. or anybody claiming through them from dispossessing or cause to dispossess, interfering or cause to interfere in the peaceful possession of the plaintiff over the said land, has been allowed.

Mr. Vikas Mohan Gupta, learned counsel appearing for the

07.01.2015 whereas the lease of the applicant is dated 24.03.2015. No doubt, the lease is of the same property but in case the applicant had/has any grievance, he could have instituted separate suit as it is totally alien to doctrine *dominus litis*. No relief has been sought against the aforementioned person and therefore, no person from outside can foster upon the claim of the petitioners-plaintiffs. All these facts have been ignored by the Court below and the order under challenge is not sustainable in the eyes of law.

I have heard learned counsel for the petitioners, appraised the paper book and of the view that the order passed by the Court below is perfectly legal and justified, for, the alleged lease deed on 07.01.2015 had been denied by defendant No.1 who has also stated that the property was already on lease in favour of Paras Mani Realtors Pvt. Ltd. and the period of earlier lease had expired on 30.04.2015 before which the possession of the property could not be acquired by the defendant so as to deliver to the plaintiffs. Even alleged possession had been denied. The fact remains that the property is the same.

In my view, suit cannot be decided in the absence of the applicant-Paras Mani Realtors Pvt. Ltd. as their right will be affected on account of alleged relief sought in the aforementioned suit. I do not intend to differ with the order passed by the Court below, much less, the same cannot be said to be passed without jurisdiction. No ground for interference is made out. The revision petition is dismissed.

(AMIT RAWAL)
JUDGE

October 04, 2016
Pankaj*