

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

**CR No.993 of 2016 (O&M)
Date of decision:10.02.2016**

Resident Welfare Association

... Petitioner

Vs.

Smt. Shanti 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. Rajiv Sharma, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The application of the petitioner-applicant before the trial Court, who, has sought to be impleaded as party to the suit to defend the rights of the residents of Ravi Nagar, in a suit for permanent injunction, has been dismissed.

Mr. Rajiv Sharma, learned counsel for the petitioner submits that under the garb of the suit for permanent injunction, respondent No.1/plaintiff wants to grab the property and in these circumstances, application under Order 1 Rule 10 of the Code of Civil Procedure, at the instance of the petitioner -Resident Welfare Association to become a party had been filed and but the same has erroneously been declined by the trial Court. Before filing of the

present suit, brother of respondent No.1/plaintiff also filed a suit which was also dismissed. A copy of the judgment dated 26.11.2014 is annexed as Annexure P-7. The photographs show that there is encroachment upon the land belonging to the Municipal Corporation which has seriously prejudiced the interest of the petitioner.

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

The law with regard to *doctrine of akin to 'dominus litus'* is no longer res integra. Respondent No.1/plaintiff has not sought any relief against the petitioner/applicant before the trial Court. In case, the petitioner is aggrieved, he is at liberty to seek vindication of his grievance in independent proceedings, but not by moving an application by invoking the provisions of Order 1 Rule 10 of the Code of Civil Procedure. The suit is at the stage of filing of written statement, thus, the apprehension is pre-mature. Neither it has been disclosed whether Municipal Corporation defending the suit is in appropriate form or not.

No ground is made out for interference in the impugned order. The order cannot be said to have been passed without jurisdiction. Accordingly, the revision petition is dismissed.

(AMIT RAWAL)
JUDGE

February 10, 2016
savita