

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

CR No.1500 of 2017 (O&M).

Date of Decision: 02.03.2017.

Iqbal Singh Deol

....Petitioner.

VERSUS

Gram Panchayat village Chawa and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

SNEH PRASHAR, J.

CM-4634-CII-2017

Allowed, as prayed for.

CR-1500-2017

The petitioner aggrieved of the order dated 21.01.2017 passed by learned Civil Judge (Junior Division), Gurdaspur by virtue of which application filed by respondents No.2 to 4 under Order I Rule 10 read with Section 151 of the Code of Civil Procedure (for short, "CPC") for being impleaded as party to the suit for permanent injunction filed by him (petitioner) against Gram Panchayat (defendant-respondent No.1) was allowed, has filed the instant petition.

The submissions made by Mr. Vipin Mahajan, learned counsel for the petitioner have been considered.

Learned counsel for the petitioner argues that respondents No.2 to 4 are strangers to the controversy between the petitioner and the respondent Gram Panchayat. By way of the suit filed by the petitioner, he seeks an injunctive order against the Gram Panchayat to restrain the same from interfering in his possession with regard to the land shown with letters ADEF which is part of his house shown with letters ABCD in the site plan (Annexure P2) which has been annexed with the plaint. The respondent Gram Panchayat has filed written statement contesting the suit. No relief has been claimed by the petitioner against any other person except the Gram Panchayat who intends to encroach upon the disputed portion of the house of the petitioner alleging the same to be part of the street. Learned counsel further contends that in their application, the only contention of respondents No.2 to 4 was that they are well conversant with the true facts of the case. Simply on that ground they could not have been impleaded as party to the suit. To support his argument learned counsel relies upon *Ranbir Singh and another vs. Ran Singh and others, 2006(2) R.C.R. (Civil) 278; Kishan Sharma & Anr. vs. Gram Panchayat, Niwaru & Ors., 2012(12) R.C.R. (Civil) 702; and Church of Christ Charitable Trust & Educational Charitable Society, represented by its Chairman vs. M/s. Ponniamman Educational Trust represented by its Chairperson/Managing Trustee, 2012(3) R.C.R. (Civil) 811.*

No doubt, the petitioner-plaintiff is a dominus litus and normally it is for him to select his adversary from whom he seeks relief, but at the same time under Order I Rule 10 CPC, the Court is empowered to struck out the name of any party joined as plaintiff or defendant or order for impleading of any party whose presence before the Court may be necessary

in order to enable the Court to effectually and completely adjudicate upon and settle all the questions involved, at any stage either upon or without the application by either of the parties.

In the case in hand, it was not just the plea of respondents No.2 to 4 that they were well conversant with the true facts of the case, but it was also pleaded by them in the application that the petitioner-plaintiff has filed the suit concealing true and material facts regarding the actual and factual position of the street in dispute and that their (respondents No.2 to 4's) houses alongwith houses of Joga Singh son of Ram Singh and Buta Singh son of Mula Singh are also situated on the street in dispute opposite to the house of the petitioner-plaintiff. It was also in their application that for proper and just decision of the case, they are necessary party to the suit and in case they are not allowed to be impleaded, they will suffer irreparable loss and injury as the petitioner-plaintiff shall succeed in grabbing the public property.

For the above reasons, finding respondents No.2 to 4 to be proper and necessary party for proper adjudication of the case, their application was rightly allowed by learned trial Court. Thus, there being no illegality or perversity in the order of learned trial Court and no ground for intervention by this Court, the petition is dismissed.

(SNEH PRASHAR)
JUDGE

02.03.2017.
jitender sharma

Whether speaking/ reasoned : **Yes/ No**

Whether Reportable : **Yes/ No**