

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

256

CR-5827-2016

Date of Decision:16.05.2017

Babu Lal

.....Petitioner

Versus

Mahipal and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.Naresh Kumar, Advocate,
for Mr.R.D.Yadav, Advocate,
for the petitioner.

RAMESHWAR SINGH MALIK, J.(Oral)

Feeling aggrieved against the impugned order dated 02.08.2016 passed by the learned trial Court, whereby his application under Order 1 Rule 10 of the Code of Civil Procedure for impleading him as a party/defendant was dismissed, petitioner has approached this Court by way of present revision petition, filed under Article 227 of the Constitution of India, for setting aside the impugned order.

Heard learned counsel for the petitioner.

A bare perusal of the impugned order would show that it was a suit for permanent injunction filed by the plaintiffs. As the plaintiffs were apprehending interference in their possession at the hands of defendant Nos.1 to 6, only they were impleaded as party/defendants. Plaintiffs were not seeking any relief against the petitioner. No decree for declaration was being sought by the plaintiffs. Having said that, this Court feels no hesitation to conclude that the learned trial Court was well within its jurisdiction to pass the impugned order and the same deserves to be upheld.

It goes without saying that the plaintiffs are the master of the

suit. They cannot be forced to contest the suit against such persons against whom they are not seeking any relief. Exactly this is what was the fact situation in the case in hand, as noticed here-in-above. It was only a suit for permanent injunction. No relief was being claimed against the petitioner. Neither the title nor possession of the petitioner was being threatened by the plaintiffs. Under these undisputed facts and circumstances of the case, it can safely be concluded that the learned trial Court committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order passed by the learned trial Court, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present revision petition is misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the above-said observations made, instant revision petition stands dismissed, however, with no order as to costs.

May 16, 2017
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(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No