

**CR No. 6672 of 2017 (O&M)**

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA  
AT CHANDIGARH**

**CR No. 6672 of 2017 (O&M)**

**Date of decision: 27.9.2017**

Sadhu Ram and others

...Petitioners

Versus

Vikas and another

...Respondents

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

Present: Mr. Jatin Hans, Advocate  
for the petitioners.

**RAMESHWAR SINGH MALIK, J. (Oral)**

Present revision petition under Article 227 of the Constitution of India is directed against the order dated 14.8.2017 passed by the learned trial court, whereby application moved by the petitioner under Order I Rule 10 read with Section 151 of the Code of Civil Procedure ('CPC' for short), was dismissed by the learned trial court.

Heard learned counsel for the petitioners.

A bare perusal of the impugned order passed by the learned trial court would make it crystal clear that petitioners had nothing to do with the suit property. Neither they were necessary nor proper parties in the suit. At page 25 of the paper book, learned trial court has specifically observed that presence of the petitioners was not required for an effective adjudication of the issue involved between the parties. Sarpanch of the defendant-Gram Panchayat was found right in pursuing the case against the plaintiff. Learned trial court was also well aware about the fact situation and this was the reason that even the Local Commissioner was appointed by the learned

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trial court vide its order dated 10.11.2016 (Annexure P-2) to visit the site and furnish the site inspection report to the learned trial court. Local Commissioner was appointed in the presence of Sarpanch of the Gram Panchayat. Petitioners are neither claiming any title nor possession over the suit property, because of which they are aliens to the instant litigation. 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.

Plaintiff being master of the suit cannot be forced to contest the suit against the persons against whom he is not seeking any relief. This is the fact situation of the present case as well. Neither plaintiff is seeking any kind of relief against the petitioners, nor the petitioners have even the remotest connection with the suit property. The learned trial court was well justified in making the abovesaid observation that presence of petitioners was not required for an effective adjudication of the case between the parties. Under these undisputed facts and circumstances of the case, it can be safely 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.

So far as the judgment of Telangana and Andhra Pradesh High Court in **Gurrapu Abraham Sudhakar Vs. Kodali Vijaya Kumar and another, 2016 (6) ALT 708**, relied upon by learned counsel for the petitioner, is concerned, there is no dispute about the observations made therein. However, on a close perusal of the cited judgment, it has not been found to be of any help to the petitioner, being distinguishable on facts. It is the settled principle of law that peculiar facts of each case are to be

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examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of even one circumstance or additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundara Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533, Union of India Vs. Amrit Lal Manchanda and others, 2004 (3) SCC 75, State of Orissa Vs. Md. Illiyas, 2006 (1) SCC 275 and State of Rajasthan VS. Ganeshi Lal, 2008 (2) SCC 533.**

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in the impugned order, which may warrant interference at the hands of this Court, while exercising its revisional jurisdiction under Article 227 of the Constitution of India. In fact, the impugned order has been found duly supported by sound reasons and the same deserves to be upheld.

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 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 abovesaid observations made, instant revision petition stands dismissed, however, with no order as to costs.

27.9.2017  
AK Sharma

**(RAMESHWAR SINGH MALIK)**  
**JUDGE**

Whether Speaking/reasoned : Yes/No  
Whether Reportable : Yes/No