

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

CR No.4126 of 2016
Date of decision : 23.01.2018

Maneesh Bawa and others

...Petitioners

Versus

Ragbir Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajbir Singh, Advocate for the petitioners.

Mr. G.S. Bal, Sr. Advocate with
Mr. A.D.S. Bal, Advocate for respondent No.1.

Mr. Parveen K. Kataria, Advocate
for respondent No.4-Gram Panchayat.

ANIL KSHETARPAL, J. (ORAL)

The plaintiffs-petitioners are in the revision petition against the order dated 05.05.2016 passed by the trial Court allowing the application under Order 1 Rule 10 CPC to implead the applicant who is President of Guru Amardass Nojwan Nagar Sudhar, Sabha, as party defendant.

The plaintiffs had filed a suit for possession of land measuring 7 kanals and 3 marlas situated within the revenue limits of Village Goindwal Sahib, Tehsil Khadoor Sahib, District Taran Tarn. It was pleaded case of the plaintiffs that the water works has been constructed on the land in dispute while relying upon the Resolution passed by the Gram Panchayat in the year 1978. The water works is for the benefit of the residents of the

village. In the year 2014, the plaintiffs claiming themselves to be the owner of the property, filed a suit alleging the various facts. During the pendency of the suit, the applicant filed an application claiming that they are residents of the village and their rights would be affected if the water works is demolished, hence be added as a party defendant.

Keeping in view the aforesaid assertions, the learned trial Court allowed the application and impleaded the applicant as a party defendant.

The aforesaid order has been challenged by the plaintiffs on the following grounds:-

1. The plaintiff is *Dominus Litus* and hence, no one can be impleaded as a party in the suit against the wishes of the plaintiff.
2. No relief has been sought against the applicant.

In the considered opinion of this Court, the Rule of *Dominus Litus* is not a absolute Rule. Here is a case where admittedly the water works/overhead tanks has been constructed by the Government which being used for supplying the drinking water to the residents of the area. The water works was constructed after the Gram Panchayat passed the Resolution on 02.11.1978. The plaintiffs in the year 2014, have chosen to woken up to claim the possession of the aforesaid land. In these circumstances, the residents of the area certainly would be effected by the result of the litigation. The Court has permitted a representative of the General Public to be impleaded as a party so that the litigation is properly defended as sometime Government Officials do not defend the litigation in a proper manner.

Keeping in view the aforesaid facts, this Court does not find

any good ground to interfere with the impugned order dated 05.05.2016 passed by the trial Court.

Revision petition is dismissed.

23.01.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No