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

CR No. 6575 of 2018

Date of Decision: 01.10.2018

Mukhtiar Singh and another

-Petitioners

Vs

Rajeev Kumar and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. P.K. Chugh, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

Petitioners have assailed the order dated 08.08.2018 passed by Chairman, Waqf Tribunal Hisar Division-cum-Additional District Judge, Hisar vide which application under Order 1 Rule 10 CPC filed by the petitioners was dismissed.

Perusal of the record would show that the plaintiffs sought to get themselves impleaded in a suit for declaration filed by the plaintiffs against Haryana Waqf Board and others. Petitioners claimed that the land measuring 20 Kanals as per jamabandi for the year 2011-12 is in their possession in equal shares being lessee since 1997-98 under the Haryana Waqf Board and the lease money had already been paid.

The stand of the petitioners was refuted by the

plaintiffs on the ground that the petitioners were lessee prior to 2007 and thereafter, lease was never renewed by the Haryana Waqf Board and the petitioners are not in possession. They cannot be treated as tenants under Haryana Waqf Board after 2007. The lease in favour of the petitioners started only w.e.f. 29.03.1999.

The plea of tenancy raised by the petitioners is not the subject matter of *lis* between the plaintiffs and Haryana Waqf Board. Plaintiffs being the *dominus litus* cannot be compelled to fight against the person with whom petitioners do not wish to fight. Any right accrued to the petitioners in the context of their previous status of being lessee, can only be decided in their independent suit.

No indulgence can be granted to the petitioners in this revision petition.

This revision petition is accordingly, dismissed.

01.10.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No