

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

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**Civil Revision No.7949 of 2016(O & M)
Date of Decision:15.05.2018**

Karan Singh

....petitioner

Versus

Braham Parkash and another

.....respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.Vikrant Pamboo, Advocate
for the petitioner

Mr.Subhash Rana, Advocate for
Mr.S.K.Panwar, Advocate
for the respondents

AMIT RAWAL, J. (ORAL):

The present revision petition is directed against the impugned order dated 30.07.2016(Annexure P6), whereby the application submitted by the petitioner under Order 1 Rule 10 CPC, in civil suit seeking permanent injunction,(Annexure P-3), titled as “Braham Parkash versus Dharmender”, has been dismissed.

Learned counsel appearing on behalf of the petitioner submitted that prior to the institution of the suit, petitioner who is the father of the parties to the lis in the suit (Annexure P-3), had already filed a suit for declaration and consequential relief of permanent injunction and arrayed both sons i.e. Braham Parkash and Dharmender as defendant No.1 and 2, who are plaintiff and defendant in suit (Annexure P-3). It is on that account, the cause of action arose to file the application for impleadment as the suit property is identical in both the suits and the possession of the same is with the petitioner, thus, for all intents and purposes, the petitioner is not only

proper but necessary party. Therefore, the trial Court ought to have allowed the application.

Learned counsel appearing on behalf of the respondents submitted that the order declining the application is proper and justifiable as the courts below have applied the doctrine akin to *Dominus Litis*.

I have heard learned counsel for the parties, perused the paper book and of the view that the best course for adjudication of the lis instead of allowing the petitioner to be arrayed as defendant in the suit (Annexure P3) is to seek the transfer of the suit from two different Courts to be tried by one Court together. The parties are directed to move an appropriate application before District Judge, Faridabad. If either of the parties moves an application, the District Judge shall transfer the suit Annexure P-4, titled as “Karan Singh and another vs Braham Parkash and others” or vice versa to another Court with a direction to decide the same together.

The revision petition is disposed of in the above terms.

May 15, 2018

neenu/manpreet

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned
Whether reportable-

Yes
Yes