

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

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CR No.8029 of 2015 (O & M)
Date of Decision:06.04.2018

Kuldeep Singh

...Petitioner

Versus

Sarabjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sarbjit Singh, Advocate
for the petitioner.

Mr. Rishu Mahajan, Advocate
for respondent Nos.1 to 3.

ANIL KSHETARPAL, J.(Oral)

Petitioner filed an application under Order 1 Rule 10 of the Code of Civil Procedure for impleading him as one of the defendant. Learned trial Court after considering the fact that the suit is only for permanent injunction restraining the defendants from interfering in their peaceful possession, dismissed the application.

Learned counsel for the petitioner has vehemently argued that there is a another suit filed by the petitioner against the plaintiffs. He submits that both the suits are pending in the same Court with respect to the property in dispute. He submits that in one suit he is a party, therefore, he should be impleaded as a party in this case also.

As noticed by the learned trial Court, the present suit is only for permanent injunction restraining the defendants from interfering in their peaceful possession, plaintiffs are dominus litis. If the plaintiffs in the present suit do not feel any threat from the applicant, the Court cannot

against the wishes of the plaintiffs order impleadment of the petitioner.

However, as submitted by the learned counsel for the petitioner if with regard to same property a suit filed by the petitioner is pending in the same Court, the petitioner would be at liberty to request the learned trial Court for taking up both the suits simultaneously.

Revision petition is disposed of.

06.04.2018

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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No