

CR-296-2018 (O&M)

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

CR-296-2018 (O&M)
Date of decision : 13.05.2019

Raminder Pal Singh

... Petitioner

Versus

Baldev Singh (deceased) through LR's and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Santosh Sharma, Advocate
for the petitioner.

None for the respondents.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the impugned order dated 15.03.2017, whereby the application of the petitioner under Order 1 Rule 10 of the Code of Civil Procedure for impleadment of the petitioner as defendant No.8, in a suit filed by respondents-plaintiffs, for injunction restraining the defendants from interfering into lawful and peaceful possession of the plaintiffs, over the residential house and vacant plot comprised in Khasra No.685/2 and 686/2, has been dismissed.

Mr. Santosh Sharma, learned counsel appearing on behalf of the petitioner/applicant submitted that the respondents-plaintiffs filed the suit with a prayer that it was an attempt to create an evidence, which would adversely effect the right of the applicant. There has been concealment and suppression of material facts and intentionally, the plaintiffs did not implead

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the applicant as defendants. The aforementioned application was contested and after hearing the arguments, the trial Court has erroneously dismissed the application as the mutation proceedings are pending and going on between the parties. No harm and prejudice would be caused to the respondents-plaintiffs, in case, the petitioner/applicant is impleaded as defendant No.8, thus, urges this Court for setting aside the impugned order.

There is no representation on behalf of the respondents despite service. Accordingly, I proceeded to decide the revision petition on merits.

I have heard learned counsel for the petitioner, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Santosh Sharma, for, the application was bereft of any reasoning or the alleged cause of action for being impleaded in the suit. The doctrine of '*dominus litus*' is squarely applicable to the present case. If at all, the mutation proceedings were pending, the application/petitioner was not prevented to enclose the same, thus, in my view, the ingredients of necessary or proper party, as referred to in Order 1 Rule 10 of CPC, have not been fulfilled.

Keeping in view the aforementioned facts, the impugned order, under challenge, cannot be said to be suffering from illegality and perversity, much less, no ground is made out for interference. Accordingly, the present revision petition stands dismissed.

13.05.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No