

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

242

**CR No. 325 of 2018(O&M)
Date of Decision: 22.1.2019**

ANIL VERMA

.....Petitioner

Versus

MEENU ROHILLA AND ORS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.Manish Mehta , Advocate
for the petitioner.

Mr.Munish Gupta, Advocate
for respondents No.1 and 2.

Ms.Nupur Chaudhary, Advocate
for respondents No.3 and 4.

RAJ MOHAN SINGH, J.(Oral)

This revision petition has been filed by the petitioner challenging the order dated 12.12.2017 passed by the Civil Judge (Jr.Divn.) Narnaul, vide which the application filed by the petitioner under Order 1 Rule 10 CPC was dismissed.

Plaintiffs filed a suit for declaration seeking title to the property situated in Mohalla Shivaji Nagar having defined dimensions as shown in the plaint. There are allegations of collusion raised by the petitioner in the context of encroachment by the plaintiffs over the public street. Petitioner claimed himself to be a neighbour and the property involved is a thoroughfare.

The intended effort of the plaintiffs is sought to be highlighted with reference to the inquiry conducted at departmental level by the District Revenue Officer, Narnaul vide memo dated 13.3.2016 and the inquiry conducted by Inquiry Officer-cum-Tehsildar, Narnaul and reports submitted to Sub Divisional Officer (Civil), Narnaul vide memo dated 22.6.2016, where collusion of officials of Municipal Council with the plaintiffs was found.

Learned counsel for the Municipal Council has no objection to the impleadment of the petitioner as party defendant in the suit.

Learned counsel for the plaintiffs, however, opposed the prayer on the ground that the plaintiffs being *dominus litis* cannot be forced to contest against a person with whom, the plaintiffs do not wish to contest. Since no relief was claimed against the petitioner, therefore, he is claimed to be not a necessary party nor a proper party to the suit.

I have heard learned counsel for the parties.

Petitioner claims himself to be a neighbour. The property involved is alleged to be public thoroughfare, where public interest in rem is involved. The conduct/ alleged misconduct on the part of officials of the Municipal Council shall be determined by the Civil Court with reference to the evidence

to be led by the parties.

In my considered opinion, at this stage no firm findings in respect of alleged complicity of officials of Municipal Council can be recorded, however, the petitioner being whistle blower can be impleaded as party defendant in the suit, keeping in view the nature of property to be a public thoroughfare. By the impleadment of the petitioner as party defendant in the suit, no prejudice would be caused to any one, rather it will facilitate the court to decide the case in an appropriate manner and the complicity of officials of Municipal Council (if any) would come to fore.

In view of above, this revision petition is allowed. The impugned order is thus set aside. Normal consequences to follow.

January 22, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No