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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 3311 of 2018 (O&M)
Date of Decision: 03.07.2019

Madan Lal Sharma

-Petitioner

Vs

Rai Bhadur Lala Banarsi Dass Trust and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. J.S. Cooner, Advocate
for the petitioner.

Mr.Abhinav Sood, Advocate
for respondent No.1.

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RAJ MOHAN SINGH, J. (ORAL)

1. Petitioner has challenged the order dated 10.04.2018 passed by the Civil Judge (Junior Division), Ambala, vide which the application filed by the petitioner under Order 1 Rule 10 CPC for impleading him as party-defendant in the suit was dismissed.

2. Earlier CWP No.2542 of 2011 was filed against the plaintiff and other defendants and the same was got dismissed as withdrawn on the ground that civil suit was pending between the parties. Later on, the review application was also dismissed by the Hon'ble High Court.

3. After noticing incriminating material on record, with

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reference to conduct of the petitioner, the trial Court has found that the petitioner has not claimed any right or interest in the suit property nor the petitioner is concerned about the controversy *inter se* pending between the parties and the defendant.

4. Presence of the petitioner before the trial Court is not necessary for complete adjudication of the controversy in question. The petitioner is neither necessary party nor proper party in the suit in question. No indulgence can be granted in this revision petition as plaintiff being the *dominus litus* cannot be forced to contest the suit against whom he does not wish to contest.

5. In view of aforesaid, this revision petition is dismissed.

03.07.2019 **(RAJ MOHAN SINGH)**
rakesh **JUDGE**

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

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