

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 110

Case No. : C. R. No. 1478 of 2019

Date of Decision : May 21, 2019

Surinder Kumar Petitioner

vs.

Sat Pal Arora and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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Present : Mr. Yogesh Goyal, Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral) :

The present petition is directed against the order dated 21.11.2018 passed by the Civil Judge (Junior Division), Nabha (for short – the Trial Court) dismissing the application filed by the petitioner under Order 1 Rule 10 read with Section 151 CPC to become a party in the suit filed by respondent no. 1.

The facts, in brief, which would be required to be noticed for adjudicating upon the present petition, are that respondent no. 1 filed a suit for permanent injunction to restrain Nagar Council Nabha and one Asha Rani from interfering and dispossessing him from a house measuring 267 sq. yds., boundaries of which were detailed and described in the head note of the plaint (for short – the suit property).

During the pendency of the aforesaid suit, the petitioner filed

an application under Order 1 Rule 10 read with Section 151 CPC seeking his impleadment in respondent no.1's suit on the ground that in front of the suit property, previously father of the petitioner was in possession of a kiosk as a licensee of the Municipal Council and after his father, the petitioner was in possession of the said kiosk. It was further submitted that the petitioner was also using the suit property as a store for storing scrap as he was also a scrap-dealer. The petitioner's application was dismissed by the Trial Court through the order under challenge in the present proceedings.

Learned counsel for the petitioner has been heard.

Respondent no. 1 has filed a suit seeking therein permanent injunction to restrain the Nagar Council Nabha and one Asha Rani from interfering and dispossessing him from the suit property. He can be granted such relief only if he establishes his possession over the suit property, the onus of which would be on him. That being so, as also for the reason that the plaintiff is *dominus litis*, the Trial Court has rightly rejected the petitioner's application filed by him under Order 1 Rule 10 read with Section 151 CPC.

Dismissed.

(DEEPAK SIBAL)
JUDGE

May 21, 2019
monika

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.