

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

CR-3713-2019 (O&M)
Date of decision: 30.05.2019

Smt. Mithlesh

...Petitioner

Versus

Balraj Gulia and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Atul Yadav, Advocate for the petitioner.

H.S. MADAAN, J. (Oral)

The revisionist/petitioner is aggrieved by the impugned order dated 03.05.2019, passed by the trial Court whereby her application under Order 1 Rule 10 CPC for impleading her as a party in a suit for permanent injunction and mandatory injunction filed by plaintiff Balraj Gulia against defendants Mrs. Sangeeta Goyal and M/s Kunal Agricultural Business Associates India Pvt. Ltd. New Delhi had been dismissed.

I have heard learned counsel for the revisionist besides going the record and I find that there is absolutely no merit in the revision petition. The order in question is quite detailed and well reasoned. The trial Court has observed that the plaintiff is claiming ownership of killa No.11/1/1 and has filed the suit against the defendants claiming that they have encroached upon the land owned and possessed by him and it should be got vacated and that road has actually been constructed,

whereas, as per version of applicant Smt. Mithlesh, who is revisionist before this Court, she is co-owner in possession of land bearing rectangle No.133, killa No.19/1(3-9) and her land abuts the road which according to her has actually been constructed on killa No.11/1/1 by PWD Department. Therefore, the land which according to the revisionist is owned and possessed by her, is different from the subject matter of the suit and the trial Court finding that the controversy in question between the parties could be effectively adjudicated upon without the presence of the applicant as she is not directly involved with the suit property in question, does not deserve to be disagreed with. Even, otherwise, plaintiff is master of suit and it is to be seen by him which of the persons are to be impleaded as defendants for redressal of his grievances and no person can be brought on record as a defendant against wishes of the plaintiff, unless presence of that person is absolutely necessary and essential before the Court for final and effective adjudication of the controversy.

The order is certainly not perverse or arbitrary and it does not suffer from any illegality or infirmity, much less apparent on the face of it, which might have called for interference by this Court, while exercising revisional jurisdiction. Thus, finding no merit in the revision petition, the same stands dismissed.

30.05.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No