

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

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**CR No. 223 of 2020
Date of decision : 14.1.2020**

Brij Kishore Goel

.....Petitioner

Vs.

Govind Ram and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Ram Pal Verma, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Article 227 of the Constitution of India for setting side the impugned order dated 28.11.2019, passed by the learned Civil Judge (Junior Division), Jhajjar, dismissing the application under Order 1 Rule 10 (2) CPC, filed by the plaintiff/petitioner for striking off the names of defendants/respondents No.3 to 7 from the list of defendants in the civil suit.

It is contended by learned counsel for the petitioner that defendants No.3 to 7 are not the necessary parties in the case. Therefore, defendants No.3 to 7 were wrongly impleaded as defendants in the suit. The suit filed by the plaintiff is seeking setting aside the entry in favour of Balwant and Hari Ram; made in the revenue record; showing them as *gair marusi*. Both of them have expired. However, the above said defendants are not the legal representatives of the said Balwant and Hari Ram. They were wrongly impleaded as a party. Hence, it is submitted that the Court below has wrongly declined the application filed by the petitioner for deleting the name of defendants No.3 to 7 from the list of defendants. Still further, it is submitted that the plaintiff being master of the suit, is entitled to choose the parties, against whom he intends to seek the relief. The petitioner is not seeking any relief against defendants No.3 to 7. Hence, the present petition be allowed and the order passed by the trial Court be set aside.

Having heard learned counsel for the petitioner and having

perused the case file, this Court does not find any substance in the arguments raised by learned counsel for the petitioner.

In the suit, the petitioner himself has impleaded defendants No.3 to 7 as the defendants/legal representatives of the above said Balwant and Hari Ram. The suit has come at the stage of rebuttal evidence and final arguments. The entire evidence has already been led by the parties. Therefore, whatever is the significance of defendants No.3 to 7 being parties to the suit, is otherwise also liable to be finally decided very soon. Still further, undisputedly, defendants No.3 to 5 have contested the claim of plaintiff. Therefore, the submissions of learned counsel for the petitioner that he is not seeking any relief against defendants No. 3 to 5 is not acceptable.

Even the assertion of the petitioner that defendants No.3 to 7 are not the legal representatives of Balwant and Hari Ram, is not acceptable at this stage. It has been duly recorded by the trial Court; and it has come on record that the said defendants have already been held entitled to compensation on account of acquisition of the land, which forms part of the suit land, in their capacity as legal representatives of Hari Ram and Balwant. There are other litigation between the plaintiff and defendants No.3 to 7 as well. Accordingly, this Court does not find any illegality or perversity with the order passed by the Court below.

Hence, finding no merit in the present petition, the same is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

14.1.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No