

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

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CR No.1886 of 2021

Decided on : 10.09.2021

Umed

... Petitioner

Versus

Surender and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Pankaj Maini, Advocate for the petitioner.

(The proceedings are being conducted through video conferencing, as per instructions.)

G.S. Sandhawal, J. (Oral)

In the present revision petition filed under Article 227 of the Constitution of India, the petitioner-defendant No.1 challenges the order dated 26.07.2021 (Annexure P-6) passed by the Civil Judge (Jr. Division), Hansi, whereby his request for impleading the Consolidation Officer, Mini Secretariat, Hisar has been dismissed.

The reasoning which has weighed with the Trial Court is that that the plaintiff is *dominus-litus* and cannot be forced to add any person as party to the suit and only if the relief claimed against the person sought to be added party, he can be impleaded as a necessary party without whom the suit cannot proceed. The purpose of the presence is to enable the Court to adjudicate effectually and completely keeping in view the relief which was claimed for declaration challenging the revenue record and for permanent injunction. The Consolidation Officer had only acted in the capacity of public servant and the revenue record prepared during consolidation is a public document. Resultantly, it was held that relevant revenue record can be summoned and thus, the Consolidation Officer was not required to be impleaded as a necessary party. Another reason which was weighed with the Trial Court was that the suit was filed on 22.12.2015 and the defendant-petitioner had appeared on 24.12.2015. Application for impleadment had only been filed on 03.07.2019 and, thus, it was only for the purpose of delaying the trial.

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In the opinion of this Court, the reasoning which has weighed with the Trial Court does not suffer from any infirmity or illegality which would warrant interference in the revisional jurisdiction of this Court.

The dispute as such is regarding the land which was allotted according to quality and value inter se the parties. As per the reply filed by the respondent-plaintiffs mutation had been done way-back in 1954 and the entries mentioned in had been made on the basis of the forgery and misrepresentation.

In such circumstances, once the matter is before the Civil Court regarding the allotment, it is not necessary to implead the Consolidation Officer, as no specific relief is sought against the Officer or the Department. It is not expected that for the dispute which is inter se the parties regarding the share of the land, which had been allotted that it would be necessary that the Consolidation Officer is to be impleaded to file a written statement to defend his action, which was taken way back in the year 1954.

In such circumstances, this Court is of the opinion that the order passed by the Trial Court by dismissing the application under Order 1 Rule 10 CPC at this belated stage does not suffer from any infirmity or illegality, keeping in view the settled principle that the plaintiff is *dominus-litus* of the suit and cannot be forced to add any person.

Resultantly, this Court is of the opinion that there is no merit in the present revision petition and the same is dismissed in limine.

September 10, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No