

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 426 of 2019

Date of Decision: 11.05.2022

Smt. Kusum Lata

... Petitioner(s)

Versus

Hindustan Petroleum Corporation Limited and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Akshay Jindal, Advocate
for the petitioner(s).

Mr. Raman Sharma, Advocate
for the respondents.

Anil Kshetarpal, J.

1. The petitioner is the plaintiff in a suit for grant of permanent injunction. She has been granted agency to run a retail fuel outlet. In her plaint, she has asserted that the alleged agreement of partnership with Sushma Singla was never entered into. On the application of Sushma Singla, she has been impleaded as a party in order to decide the dispute comprehensively.

2. The learned counsel representing the petitioner contends that the petitioner, being *dominus litis*, cannot be forced to defend the suit against Sushma Singla. In the considered view of this Court, the rule of *dominus litis* is not an absolute rule. This is a case where in para 3 of the plaint, the plaintiff, herself, asserts as under:

“3. That in response to the said letter dated 07.06.2017, the
plaintiff sent a detailed reply dated 19.06.2017 through

her counsel, Manoj Kumar Goyal, Advocate to the defendant No.2 and it was clearly stated that the plaintiff had never entered into any such alleged agreement of partnership with said Smt.Sushma Singla nor she had ever executed such alleged written agreement or affidavit and the said Smt.Sushma Singla had/has no concern with the said retail outlet dealership in any manner. It was also submitted that the said alleged agreement of partnership/deed or affidavit, if any, are forged, fabricated, fraudulent, baseless, bogus, null, void, nonest and the same have been got prepared by her by way of fraud and forgery”.

3. Such being the situation, the trial Court has correctly ordered impleadment of Sushma Singla, who has filed an application in this regard.

4. In view of the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

May 11, 2022
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No