

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

108

CR No. 1376 of 2020

Date of Decision: 07.03.2022

SATBIR @ MADU AND ANOTHER

....Petitioners

VS.

GRAM PANCHAYAT AND OTHERS

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Amit Kumar Jain, Advocate,
for the petitioners.

Sudhir Mittal, J. (Oral)

The petitioners are the plaintiffs. They have filed a suit for injunction restraining the Gram Panchayat from diverting a public street through their land. An application was filed during the pendency thereof for impleadment as party defendants. It was pleaded in the application that the Gram Panchayat and the plaintiffs are in collusion. In fact the existing alignment of the street is correct. The application has been allowed on the ground that there is a dispute regarding alignment and the applicants being also residents of the village have an equal interest in the matter.

Learned counsel for the petitioners submits that the plaintiffs are the *dominus litus* and they cannot be forced to litigate against a party whom they do not want to implead.

The argument is misconceived. If a plaintiff does not intentionally implead a necessary or proper party, the Court has the right to implead the said party on its application. It has also been found that the applicants are necessary

parties and no error has been pointed out in the said finding.

No other argument has been raised.

The revision petition is without any merit and is dismissed.

March 07, 2022
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No