

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

124

CR-1557-2022 (O&M)
Date of decision: 28.04.2022

Sandeep Saini

.....Petitioner

Versus

Damanjit Singh Jaura and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Naveen Bawa, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The instant revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 07.03.2022 passed by the learned JMIC, Phagwara vide which an application filed under Order 1 Rule 10 CPC for impleading her as defendant in Civil Suit bearing No.CS-129 of 2021 tilted as 'Damanjit Singh and others Vs. Anirudh Chana and others' was dismissed.

Learned counsel for the petitioner *inter alia* contends that since the petitioner was the original owner of the suit property, therefore, she was a necessary party for effective adjudication of the suit in question. It was submitted that the plaintiffs-respondents No.1 and 2 in the suit for permanent prohibitory injunction against the proforma respondents No.3 to 7 herein were trying to get the possession over the suit property.

I have heard learned counsel and perused the material placed on record.

Before proceeding further, it may be relevant to point out that the suit in question was instituted by respondents No.1 and 2

against proforma respondents No.3 to 7. The petitioner is the owner of the suit property. Her husband Ravinder Saini gave the suit property on rent to the plaintiffs i.e. contesting respondents No.1 and 2. Respondents No.1 and 2 filed the aforementioned suit i.e. CS-129 of 2021 against his own employees i.e. proforma respondents No.3 to 7 on the ground that they were trying to oust him from the suit property. In short, it was *inter se* a dispute between respondent No.1 and proforma respondents No.3 to 7, who were working in respondent No.2 firm which is a proprietorship firm.

The suit which has been instituted by respondent No.1 is for injunction to the effect that he is in possession of the suit property which was taken on rent by respondent No.1 from the husband of the petitioner. In the suit in question respondent No.1 is seeking the relief of injunction only against the proforma respondents. No doubt, the petitioner is claiming herself to be the owner of the suit property, however, it needs to be noticed that in the suit in question no relief has been sought qua the petitioner.

It would be apposite to observe here that respondent No.1 being the master of his suit, alone has the right to ascertain as to against whom he would want to seek relief. No person can ask to be impleaded as a matter of right except when such person is a necessary party without whom effective adjudication of the case would not be possible.

In the case in hand just because the petitioner happens to be the owner of the suit property, would not make her a necessary party, moreso, when the dispute in the suit in question is *inter se* between respondents No.1 and proforma respondents No.3 to 7 and secondly

and most importantly respondent No.1 is not even seeking any relief qua the petitioner. Though it has been urged that respondent No.1 had defaulted in making payment of rent to the petitioner and the suit in question had been filed with an ulterior motive to grab possession of the suit property, however, this Court has no hesitation in observing here that in case, the petitioner has any grievance with regard to non-payment of rent etc., she is at liberty to avail of the remedies available to him before an appropriate forum i.e. the Rent Controller, if so advised.

The instant revision petition, being devoid of any merit, is dismissed.

28.04.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No