IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No.2429 of 2022
Date of Decision: 04.07.2022

Dhawal Vats and another

……Petitioners

Versus

Neena Sharma and others

……Respondents

BEFORE: ***HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Chetan Kapoor, Advocate
for the revisionists-petitioners.

MEENAKSHI I. MEHTA, J.(Oral)

Feeling aggrieved by the order dated 25.05.2022 passed by learned Civil Judge, Junior Division, Panipat (for short 'the trial Court') whereby the application (Annexure P-3) moved by the revisionists-petitioners (here-in-after to be referred as 'the applicants') under Order 1 Rule 10 CPC for being impleaded as the party in the Civil Suit titled as '**Neena Sharma etc. Vs. Neelam Devi and others',** has been dismissed, they (petitioners-applicants) have preferred the instant revision petition.

2. Shorn and short of unnecessary details, the facts culminating in the filing of the present revision petition, are that respondents No.1 to 4 (here-in-after to be referred as 'the plaintiffs') filed the said civil suit against respondents No.5 and 6 and proforma respondents No.7 and 8 (here-in-after to be referred as 'the defendants') for seeking a decree for possession of the suit property, with a further prayer for the relief of

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permanent injunction. The applicants moved application Annexure P-3 for being impleaded as the defendants in the above-said civil suit while averring that they were the sons of Sanwaria Girdhari Vats and defendant No.1 and had been residing in the suit property. Vide the impugned order, the said application has been dismissed by the trial Court.

3. I have heard learned counsel for the revisionists-petitioners in this revision petition and have perused the file carefully.

4. Learned counsel for the petitioners-applicants contends that the applicants are residing in the suit property and therefore, they are necessary parties to the said civil suit for its proper and effective adjudication.

5. However, the afore-raised contention is *sans* any merit because in the said civil suit, the plaintiffs have not sought any relief against the petitioners-applicants and being the *dominus-litis*, they (plaintiffs) cannot be forced to implead the applicants as the defendants in the same. Even otherwise, in the copies of the Aadhar Cards of the applicants (annexed at pages No.29 (a) and 29 (b) in the paper book), they are recorded to be the residents of Karnal whereas the suit property is located in Panipat. Moreover, the Apex Court has also observed in the judgment rendered in ***Gurmit Singh Bhatia Vs. Kiran Kant 2019 (3) RCR (Civil) 809*** that "*the plaintiff could not be forced to add the parties against whom he did not want to fight*."

6. As a sequel to the fore-going discussion, it follows that there is no illegality, irregularity, infirmity or perversity in the impugned order

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passed by the trial Court, so as to warrant any interference by this Court.

7. Resultantly, the revision petition in hand, being devoid of any merit, stands dismissed.

(MEENAKSHI I. MEHTA)
JUDGE

July 04, 2022
pooja

Whether speaking/reasoned: Yes

Whether Reportable: No

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