

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR-3579 of 2019 (O&M)  
Date of decision: 05.12.2022

Subash Kundra @ Katty

..Petitioner

Versus

Kiran Bhalla and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Amit Jaiswal, Advocate  
for the petitioner.

Mr. Prateek Gupta, Advocate and  
Mr. Vaibhav Sehgal, Advocate  
for respondent no.1 and 2.

Mr. Vijay Rana, Advocate  
for respondent no.3.

**ANIL KSHETARPAL, J(Oral)**

1. Assailing the correctness of the order dated 15.02.2019, the plaintiff has filed this revision petition under Article 227 of the Constitution of India.

2. The trial Court has permitted Sh. Kiran Bhalla, who claims to be the Vice President of the Ram Lila Committee to be impleaded as the party defendant.

3. Relevant facts, in brief, are required to be noticed.

4. The petitioner filed a suit for grant of decree of declaration that members of the Ram Lila Committee (registered) Society have not been registered as per the amended rules and regulations of the Committee with a consequential relief of permanent injunction. The plaintiff impleaded his

own brother Sh. Sanjeev Kundra as the President of the Society. During the pendency of the suit, Sh. Kiran Bhalla filed an application for impleadment on the ground that the tenure of Sh. Sanjeev Kundra came to an end in June, 2018 and thereafter, he is acting as the Vice President of the Society. The trial court has permitted the impleadment of Sh. Kiran Bhalla as defendant no.3, however, he refused to delete the name of Sh. Sanjeev Kundra.

5. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

6. The learned counsel representing the petitioner submits that the petitioner being dominus litis is entitled to file and continue with the suit in the manner he likes and the impleadment of Sh. Kiran Bhalla in his suit is inappropriate. He submits that there is no evidence that Sh. Kiran Bhalla is the Vice President of the Society.

7. On the other hand, Sh. Vijay Rana, learned advocate, appearing for respondent no.3-Sh. Sanjeev Kundra supports the contention of the learned counsel representing the petitioner.

8. Sh. Prateek Gupta, representing respondent no.1 and 2 submits that the two brothers have collusively filed the suit in order to take over the affairs of a registered society which is working for the public good.

9. This court has considered the submissions and analyzed the arguments of the learned counsels representing the parties.

10. The suit is pending before the trial court. The court has only permitted the impleadment of Sh. Kiran Bhalla, as defendant no.3. Sh. Kiran Bhalla will have to prove how he is interested in the said litigation. However, from the facts of the case, the court has exercised the power which is not perverse. The rule of dominus litis is not an absolute rule. In the facts

of the case the Court can order impleadment of necessary and proper parties to the pending suit.

11.           Hence, no ground to interfere is made out.
12.           Dismissed.
13.           However, the trial court would decide the case independently without being influenced by the observations made by this court while passing this order.
14.           All the pending miscellaneous applications, if any, are also disposed of.

December 05, 2022  
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(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned  
Whether reportable

:  
:

Yes/No  
Yes/No