

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

108

Civil Revision No.4932 of 2022 (O&M)
Date of Decision: 21st November, 2022

Prem Nath Grover

...Revisionist-Petitioner

Versus

Subhash Khurana & others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present :- Mr. Ankur Dua, Advocate,
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (ORAL)

The petitioner herein has assailed the order dated 06.09.2022 passed by learned Civil Judge (Junior Division) Rohtak (for short 'the trial Court') whereby the application (Annexure P-3) moved by him under Order 1 Rule 10 read with Section 151 CPC with a prayer to implead him as defendant No.3 in the civil suit titled as '*Subhash Khurana vs. Kiran Khurana & others*', has been dismissed.

2. The facts, in brief, culminating in the filing of the present revision petition, are that initially, respondent No.1-plaintiff (for short 'the plaintiff') had filed the civil suit against respondents No.2 and 3-defendants (for short 'the defendants') for seeking a decree for partition of the suit property (shop) by metes and bounds, while claiming that they were owners of the same to the extent of 1/3rd share each. Vide the judgment dated 08.12.2014 (Annexure P-1), the suit was decreed and a preliminary

decree had been passed. Thereafter, the plaintiff filed the application with the prayer for passing the final decree and during the pendency thereof, the petitioner moved the above-mentioned application, while averring that defendant No.1 (who is stated to be his sister) had transferred a part of the said shop in his favour vide the registered Sale Deed dated 22.03.2022 and by virtue of the same, he had got a right/title in the suit property and was, thus, a necessary party to the said civil suit.

3. I have heard learned counsel for the petitioner, at the preliminary stage, in this revision petition and have also perused the file carefully.

4. Concededly, the petitioner was not a party to the afore-referred civil suit and the said sale-deed has been executed by his sister (defendant No.1) in his favour during the pendency of the application moved by the plaintiff for seeking the passing of the final decree. It being so, he cannot claim the right in the said shop (suit property) better than defendant No.1-transferor herself had got in the same. Moreover, the plaintiff, being the '*dominus litus*', has the right to decide as to against whom he intends to seek the relief.

5. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to call for any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

21.11.2022
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No