

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

CR-7227-2019 (O&M)

Date of decision: 14.09.2022

Ravi Singh

....Petitioner

Versus

Som Nath Sood

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. M.S.Dalal, Advocate for the petitioner

Mr. Atul Goyal, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

It is well settled that the plaintiff is dominus litus in the suit.

A suit for grant of decree of permanent injunction between the two neighbouring shopkeepers is pending. The petitioner herein is the plaintiff. The defendant filed an application under Order I Rule 10 of the Code of Civil Procedure, 1908, for impleading the Municipal Corporation, Ludhiana , as defendant, which has been allowed. The defendant claims that the shop in fact is owned by the Municipal Corporation. Admittedly, in this suit, the plaintiff being lessor of the Municipal Corporation, has claimed a decree for permanent injunction. The plaintiff has no dispute with the Municipal Corporation. The Municipal Corporation also does not have any dispute with the plaintiff. Hence, in such suit the Municipal Corporation is neither a necessary nor a proper party. Consequently, the order dated 09.10.2019 is set aside.

The revision petition stands allowed.

All the pending miscellaneous applications, if any, are also disposed of.

14.09.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)
JUDGE**