

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

CR No.1057 of 2023

Date of Decision: 16.02.2023

Rajender Kumar and another

.....Revisionists-Petitioners.

Versus

Dharam Pal and others

.....Respondents.

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

Present:- Mr. Munish Jolly, Advocate
for the revisionists-petitioners.

MEENAKSHI I. MEHTA, J. (Oral)

By way of the present revision petition, the petitioners have laid challenge to the order dated 16.09.2022 (Annexure P-6) passed by learned Additional Civil Judge (Senior Division), Kharkhoda (for short 'the trial Court') in Civil Suit No.215 of 2015 titled as '**Dharam Pal Versus Chairman, Municipal Committee, Kharkhoda and another**', whereby the application (Annexure P-4), moved by them under Order 1 Rule 10 read with Section 151 CPC for being impleaded as the defendants in the above-said Civil Suit, has been dismissed.

2. I have heard learned counsel for the petitioners in the instant revision petition, at the preliminary stage and have also perused the file carefully.

3. Learned counsel for the petitioners contends that the

petitioners are the residents of Kharkhoda and as such, they have got an interest in the suit property which belongs to respondent No.3-defendant Municipal Committee and under the garb of the afore-referred Civil Suit, respondent No.1-plaintiff (here-in-after to be referred as 'the plaintiff') intends to grab the same in collusion with the officials of respondent No.3 and therefore, they are necessary party to the said Suit for its proper and effective adjudication but vide the impugned order, the trial Court has wrongly dismissed the above-mentioned application, as moved by them for the said purpose. To buttress his contentions, he has placed reliance upon the judgment rendered by the Co-ordinate Bench in **Ranbir Singh Versus Municipal Corporation, Rohtak and others 2019(3) PLR 362.**

4. However, the afore-raised contentions are devoid of any merit because concededly, the suit property does not belong to the petitioners and on being posed a query during the course of arguments, their (petitioners') learned counsel informs the Court that today, the above-said Civil Suit is listed before the trial Court for the pronouncement of the final order. In these circumstances, the filing of the application Annexure P-4 seems to be nothing else but a ploy to prolong the decision of the Suit.

5. Even otherwise, a perusal of the plaint Annexure P-1 reveals that the plaintiff has not sought any relief against the petitioners, therein. It is well-settled that the plaintiff, being the '*dominus litis*', has the right to decide as to against whom he intends to seek the relief. The observations made by the Co-ordinate Bench in **Ranbir Singh (supra)** are of no avail to the petitioners in the light of the verdict as rendered by the Apex Court in

Gurmit Singh Bhatia Versus Kiran Kant 2019(3) RCR (Civil) 809 to the effect 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 the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

February 16, 2023
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>