

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

**CR-4276-2023
DECIDED ON: 11.08.2023**

SATBIR SINGH

.....PETITIONER

VERSUS

ISHWAR SINGH AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: Mr. Bhupinder Malik, Advocate
for the petitioner.

VIKRAM AGGARWAL, J (ORAL)

1. The present revision petition, preferred under Article 227 of the Constitution of India assails the order dated 29.04.2023 (Annexure P-1) vide which the application filed by the present petitioner under Order 1 Rule 10 CPC was dismissed.

2. The present petitioner had submitted a complaint against respondents No.1 to 3 with regard to certain irregularities having been committed by them including embezzlement of funds while being the Sarpanch and Panchayat Secretaries pertaining to village Lown, Tehsil Narwana, District Jind. Since no action was being taken, the petitioner had to approach this Court on two occasions after which an inquiry was ordered. Respondents No.1 to 3 were indicted in the inquiry leading to the filing of a suit (Annexure P-4). The present petitioner moved an application in the said suit under Order 1 Rule 10 CPC for being impleaded as a party-respondent which was dismissed by way of the impugned order leading to the filing of the present revision petition.

3. I have heard learned counsel for the petitioner and have perused the paper book.

4. Learned counsel for the petitioner has submitted that the trial Court erred in dismissing the application filed by the petitioner. It has been submitted that respondents are hand in glove with each other and he apprehends that the official respondents shall not pursue the matter properly. It has further been submitted that the petitioner would be a proper party and would be in a position to assist the Court and to bring the correct facts to the notice of the Court. Learned counsel has also submitted that in the plaint also, it has been averred that a false complaint had been submitted by the present petitioner and it would, therefore, be essential to rebut the said averments lest any adverse finding is recorded against him. In support of his contentions, learned counsel has placed reliance upon a judgment passed by the Hon'ble Apex Court in ***Civil Appeal No.5918 of 2012*** titled as '***Vidur Impex and Traders Pvt. Ltd. and others Vs. Tosh Apartments Pvt. Ltd. and others***', 2012 (8) SCC 384 and a judgment passed by Telangana and Andhra Pradesh High Court in ***Civil Revision Petition Nos.5047 of 2014 and 314 of 2015*** titled as '***K. Jayasree Vs. Singam Rao Sarath Chandra and another***', 2016 (3) Civil LJ 596.

5. I have considered the submissions made by learned counsel for the petitioner but find the same to be devoid of merit.

6. The petitioner filed a complaint dated 07.12.2020 (Annexure P-2) leveling allegations against respondents No.1 to 3. Respondent No.1 was the Sarpanch of village Lown whereas respondents No.2 and 3 were the Panchayat Secretaries. Allegations were raised with regard to illegal construction of streets in private plots and embezzlement of funds. No action was apparently taken on his complaint forcing him to approach this Court on two occasions. Vide order dated 15.11.2021 (Annexure P-3) passed by this

Court in *CWP-23091-2021*, the Deputy Commissioner, Jind was asked to consider the matter and pass an appropriate order. Thereafter, in *CWP-11960-2022* decided on 24.02.2023 (Annexure P-6), a statement was given by the State of Haryana that the inquiry report had been submitted to the Deputy Commissioner, Jind after which a civil suit had also been filed by the present respondents No.1 to 3. In view of the statement having been given by the State of Haryana, the writ petition was disposed of having been rendered infructuous. Thereafter, in the suit filed by respondents No.1 to 3 (Annexure P-4), an application under Order 1 Rule 10 CPC (Annexure P-7) was moved stating that on account of the connivance between the plaintiffs and the defendants, the present petitioner, being a responsible person of the village was required to be impleaded as a party-respondent. The said application was opposed by way of a reply (Annexure P-8). The application came to be dismissed by the trial Court by way of the impugned order.

7. Having gone through the order, I do not find any illegality in the same. The suit has been filed by respondents No.1 to 3 against the official respondents laying challenge to the inquiry report. In the considered opinion of this Court, the petitioner would have absolutely no role to play in the said suit. No doubt, it was on his complaint that the inquiry was conducted and there were findings against respondents No.1 to 3. However, now it would be in the domain of the State to take action against them and in any case, the Court is seized of the matter. The petitioner would, therefore, not even be a proper party much less a necessary party. Even otherwise, respondents No.1 to 3, being the *dominus litis*, cannot be forced to add someone as parties, especially when no relief has been claimed against such person. I have perused the judgments relied upon by learned counsel for the petitioner.

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Though the ratio of law laid down in the said judgments cannot be disputed, this Court does not find that the judgments would be of any assistance to the petitioner in view of the fact that the petitioner does not appear to be even a proper party as his presence would not, in any manner, assist the Court in arriving at a proper conclusion.

In view of the above, I do not find any merit in the present revision petition and the same is accordingly dismissed.

(VIKRAM AGGARWAL)
JUDGE

11.08.2023
Prince Chawla

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No