

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

CR-6153-2022 (O&M)

Date of decision: 17.01.2023

Jangir Singh and others

...Petitioners

Versus

Gurdeep Singh and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Neeraj Madaan, Advocate for the petitioners.

H.S. MADAAN, J.

Briefly stated facts of the case are that plaintiff Gurdeep Singh had brought a suit against defendant Balwinder Singh seeking a decree for permanent injunction restraining the defendant from causing any interference into peaceful possession over land measuring 7 marlas comprised in rectangle No.15, killa No.13/1/2 (0-7), khewat No.34/34, khatoni No.293 according to jamabandi for the year 2019-2020 situated in the area of Village Thara Singh Wala Uttar, Tehsil Jalalabad. In that suit, the plaintiff claimed himself to be owner in possession of the suit land cultivating it for the last several years with which the defendant had no concern but even then he had been threatening to interfere in possession of the plaintiff over the same giving rise to a cause of action to the plaintiff to bring the suit.

2. On getting notice of the suit, the defendant appeared. The

trial Court had granted status quo order in favour of the plaintiff on 31.05.2022. During the course of proceedings in that suit pending in the Court of Civil Judge (Jr. Divn.) Jalalabad, applicants Jangir Singh, Nirmal Singh, Harmesh Singh sons and Kasuhalya Bai widow of Mohinder Singh had filed an application under Order 1 Rule 10 CPC for being impleaded as defendants in that suit. According to such applicants, plaintiff Gurdeep Singh had intentionally filed the suit against defendant Balwinder Singh, who has no concern with the suit land with an ulterior motive to get undue relief when the dispute is between the applicants and the plaintiff. As a matter of fact, the suit land belongs to the applicants and they have already filed a civil suit for declaration and permanent injunction qua that very land against the present plaintiff Gurdeep Singh and his associates. That suit is pending in the Court of Civil Judge (Jr. Divn.) Jalalabad and an order for maintaining status quo has already been passed in that case by the trial Court; the plaintiff having knowledge of that suit has fraudulently filed the present suit to get undue relief from the Court by concealing material facts; since legal and valuable interest of the applicants is involved in the suit, therefore, the application be accepted.

3. The application was opposed by the plaintiff contending that the applicants have no concern or connection with the suit land and the plaintiff had every right to file the suit for grant of permanent injunction against defendant Balwinder Singh, who was threatening to interfere in his possession. The applicants are not necessary party,

therefore, the application be dismissed.

4. After hearing counsel for the parties, the trial Court of Civil Judge (Jr. Divn.) Jalalabad, vide impugned order dated 30.09.2022 had dismissed the application which left the applicants aggrieved and they have approached this Court by way of filing the present revision petition.

5. I have heard learned counsel for the revision petitioners besides going through the record and I find that there is absolutely no merit in the revision petition. The impugned order is quite detailed and well reasoned. It has been observed that the plaintiff has claimed relief of permanent injunction in the suit and no declaration with regard to his title is being asked for. In a suit for permanent injunction, the plaintiff being dominus litis, it is for him to identify the person against whom he has grievance and to implead him as a defendant in the suit. The Court had observed that addition of parties should not be made merely to avoid multiplicity of suits if their presence is not necessary for determining the real question. The application was not found to have any merit. It was observed that the applicants themselves have filed a suit for declaration wherein they had challenged the tatimanama and mutation No.1403. In that way, they are themselves struggling for their title over the suit land. The applicants have neither any right nor cause of action to be impleaded as defendants.

6. I find myself in agreement with the observations recorded by the trial Court. The applicants do not come out to be necessary

before the Court for proper adjudication of controversy between the parties. No fault can be found with the impugned order passed by the trial Court, rejecting the application. The revision petition is found to be without merit and is dismissed accordingly.

17.01.2023
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No