

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

CR No.5970 of 2022 (O&M)

Date of Decision: 09.02.2023

Pritam Singh and another

.....Revisionists-Petitioners.

Versus

Jaswinder Kaur and another

.....Respondents.

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

Present:- Mr. G.S. Nagra, Advocate
 for the revisionists-petitioners.

MEENAKSHI I. MEHTA, J. (Oral)

CM No.1776-CII of 2023

This application has been moved on behalf of the applicants-petitioners for seeking permission to place the copy of the compromise dated 12.08.2006 on the record, as Annexure P-11.

Heard.

Keeping in view the reasons as mentioned in the present application, the same is allowed and Annexure P-11 is taken on the record.

CR No.5970 of 2022

By way of the instant revision petition, the petitioners have laid challenge to the order dated 07.11.2022 (Annexure P-1) passed by learned Civil Judge (Junior Division), Nakodar (for short 'the trial Court') in Civil Suit No.17 of 2022 titled as '**Jaswinder Kaur Versus Gram**

Panchayat, Turna', whereby the application (Annexure P-4) moved by them under Order 1 Rule 10 read with Section 151 CPC with a prayer for being impleaded as defendants No.2 and 3 in the afore-said Civil Suit, has been dismissed.

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

3. Learned counsel for the petitioners contends that earlier, the father of respondent No.1-plaintiff (here-in-after to be referred as 'the plaintiff') had filed a Civil Suit against petitioner No.1 and Nand Singh, the father of petitioner No.2 and during the execution proceedings in respect of the judgment and decree passed in the said Suit, the parties had arrived at compromise Annexure P-11 and in pursuance of the same, the petitioners had paid a sum of Rs.1,00,000/- to the father of the plaintiff and now, the plaintiff has filed the above-mentioned Civil Suit against respondent No.2-defendant Gram Panchayat for seeking a decree for permanent injunction and also for mandatory injunction in violation of the said compromise and the houses of the petitioners open in the street in question and therefore, they are necessary party to the afore-referred Civil Suit for its proper and effective adjudication but vide the impugned order, the trial Court has erroneously dismissed their above-said application and therefore, the said order is not legally sustainable and deserves to be set-aside.

4. However, the afore-raised contentions are devoid of any merit because as regards compromise Annexure P-11, the same had been affected

in connection with the Petition, as preferred by the father of the plaintiff for the execution of the judgment and decree dated 06.02.1996, i.e Annexure P-8, passed in the Civil Suit filed by him against petitioner No.1 and the father of petitioner No.2 whereas in the Civil Suit filed by the plaintiff, she has not sought any relief against the petitioners and rather, she has sued and has claimed the relief against the Gram Panchayat of the Village. It is well-settled that the plaintiff, being the '*dominus litis*', has the right to decide as to against whom he/she intends to seek the relief. To add to it, the Apex Court has also observed in the judgment rendered in **Gurmit Singh Bhatia Versus Kiran Kant 2019(3) RCR (Civil) 809** that "*the plaintiff could not be forced to add the parties against whom he did not want to fight.*"

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 warrant any interference by this Court. Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

February 09, 2023
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

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