



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

114

**CR-404-2024 (O&M)
Decided on: 24.05.2024**

JANAK SINGH

...Petitioner

Versus

**SUB REGISTRAR (TEHSILDAR), RUPNAGAR
AND ANOTHER**

...Respondents

CORAM: HON'BLE MRS JUSTICE RITU TAGORE

Present: Mr. Vinay Puri, Advocate
for the petitioner.

Ms. Shruti Dhawan, AAG, Punjab
for respondent No.1.

Mr. Vijay Lath, Advocate and
Mr. Naveen Sharma, Advocate
for respondent No.2.

RITU TAGORE, J.

1. This revision is directed against the order dated 24.03.2023 whereby the learned trial Court allowed the application under Order 1 Rule 10 CPC (Annexure P-3) moved by respondent No.2 in Civil Suit No.361 of 2019 titled as 'Janak Singh Vs. Sub Registrar (Tehsildar), Rupnagar'.

2. Learned counsel for the petitioner argues that petitioner is a master of his case, he cannot be compelled to fight against someone he does not wish to. The learned trial Court, in its order dated 24.03.2023,



overlooked this established legal principle. To support his arguments, learned counsel referred to judgment of Hon'ble the Supreme Court in **Sudhamayee Pattnaik and others Vs. Bibhu Prasad Sahoo and others, 2023 (1) R.C.R.(Civil) 709.**

3. Additionally, learned counsel submits that the petitioner No.2 concealed the fact that he is already party in another case titled as 'Janak Singh etc. Vs. Balwinder Singh etc.' which is pending in the Court of learned Civil Judge (Junior Division), Rupnagar. Based on these submissions, learned counsel submits that the impugned order is unsustainable in eyes of law and should be set aside.

4. Contra, learned counsel for respondent No.1 submits that petitioner has filed the suit against the answering respondent directing the respondent not to enter mutation in the name of respondent No.2 and further has not sought any relief against respondent No.2.

5. Contra counsel for respondent No.2 defended the impugned order, submitting that in the suit the petitioner is seeking mandate against respondent No.1 directing not to enter mutation of the suit land in favour of respondent No.2, thereby materially affecting his rights in the suit land, therefore, he is a necessary party. The learned trial Court has rightly allowed the application keeping in view the relief asked for by the petitioner against the answering respondent.

6. I have heard learned counsel for the parties and gone through the paper book.

7. It is a matter of record that petitioner instituted a suit for mandatory injunction against Sub Registrar (Tehsildar) Rupnagar, District



Rupnagar seeking relief of mandatory injunction, directing the defendant (Sub-Registrar) not to enter mutation in the name of Balwinder Singh son of Surmukh Singh (respondent No.2) regarding the suit property as detailed in the plaint (Annexure P-1). It is suffice to say that respondent No.2 filed an application (Annexure P-3) requesting his impleadment in the above mentioned Civil Suit (Ex.P-1), asserting his ownership on the suit land, based on judgment and decree dated 29.11.2016 and sale deed already executed in his favour through the assistance of the Court and sanction of the mutation No.947 in his name, based on the sale deed. He further pleaded that he is maintaining and managing the suit land since long and his valuable rights are involved in the instant case, and shall suffer irreparable loss if not impleaded. He states that he is necessary party in the suit and the petitioner deliberately and intentionally did not implead him in the present case. The petitioner opposed the application stating that petitioner is not a necessary party and he is already a party in other case, pending between the parties.

8. After appraisal of the respective pleadings of the parties, the learned trial Court allowed the application, concluding that the respondent No.2 is indeed a necessary party, on the premise that the petitioner is seeking the relief of mandatory injunction against respondent No.1 (sub-Registrar), directing him not to sanction the mutation in the name of the respondent No.2.

9. Although as per the position of law, the plaintiff is a master of his case (*dominus litis*), yet Order 1 Rule 10 (3) CPC empowers the Court, either on its own or upon the application of a party, at any stage, strike out or add party(s), whose presence is necessary before the Court, in order to

enable the Court to effectually and completely adjudicate upon and settle all the questions involved in the suit.

10. In this case, petitioner is primarily seeking a decree of mandatory injunction against Sub-Registrar, Rupnagar, with a mandate not to sanction the mutation of the suit land in the name of respondent No.2. In given facts, rights of respondent No.2 are directly involved in the present *lis*. Therefore, he is a necessary party. In view of the above, I am of the considered opinion that the learned trial Court has rightly exercised the jurisdiction vested in it, and it warrants no intervention.

11. For the reasons stated above, revision petition stands dismissed accordingly.

12. Pending applications, if any, also stands disposed of accordingly.

(RITU TAGORE)
JUDGE

24.05.2024
Rimpal

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