



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-5067-2024 (O&M)
Date of Decision : 09.09.2024

Gurdit Singh ... Petitioner(s)
Versus
Naseeb Singh & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Diwan S. Adlakha, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the impugned order dated 20.07.2024 whereby the application filed by the petitioner herein for impleading Krishan Parkash, Ram Singh and Jagdish Singh sons of Gardhara Singh and Chander Prabha and Gurdish Kaur daughters of Gardhara Singh as defendant Nos.7 to 11 in the suit, has been dismissed.
2. Brief facts relevant to the present *lis* are that the plaintiff-respondent No.1 herein filed a suit for vacant possession of the property as described in the plaint as well as for permanent injunction. In the plaint, it was specifically averred that defendant No.2-petitioner alongwith defendant Nos.1, 3 and 4 (respondent Nos.2 to 4 herein) were in illegal possession of the property. A written statement was filed on behalf of defendant Nos.1 to 4 (petitioner and respondent Nos.2 to 4 herein). During the pendency of the suit, an application was filed under Order 1 Rule 10 of the Code of Civil Procedure, 1908 for impleading Krishan Parkash, Ram Singh and Jagdish Singh sons of Gardhara Singh and Chander Prabha and Gurdish Kaur

daughters of Gardhara Singh as defendant Nos.7 to 11 in the suit. Reply was filed to the said application. Vide the impugned order dated 20.07.2024, the application was dismissed. Aggrieved by the same, the present revision petition has been filed.

3. Learned counsel for the defendant No.2-petitioner would contend that plaintiff-respondent No.1 had averred in the plaint that Gardhara Singh (since deceased) was in illegal possession and thereafter defendant No.2-petitioner alongwith other defendant Nos.1, 3 and 4 (respondent Nos.2 to 4 herein) are in possession, however, the proposed defendant Nos.7 to 11, namely, Krishan Parkash, Ram Singh and Jagdish Singh sons of Gardhara Singh and Chander Prabha and Gurdish Kaur daughters of Gardhara Singh are also the legal representatives of Gardhara Singh and hence they ought to have been impleaded as parties.

4. I have heard the learned counsel for the defendant No.2-petitioner.

5. In the impugned order dated 20.07.2024 it was specifically noticed that the plaintiff-respondent No.1, who is the *dominus litus*, had categorically stated that Krishan Parkash, Ram Singh and Jagdish Singh sons of Gardhara Singh and Chander Prabha and Gurdish Kaur daughters of Gardhara Singh were not in possession of the suit property nor had they any concern with the property and therefore he was not claiming any relief qua them. It was further noticed in the impugned order that Krishan Parkash was stated to be residing in the House No.191 as per the voter list, Ram Singh was residing in House No.192, Jagdish Singh was residing at Bassi Pathanan

and he was not in the voter list of the village Mandlan/Mairan, Chander Prabha was also residing at Bassi Pathanan and Gurdish Kaur was residing at Nawan Pind, District Kapurthala and therefore they were not in possession of the property and hence were not impleaded as parties.

6. On a query put by the Court as to whether any averment had been made in the application that the said persons were in possession of the suit property, the learned counsel has candidly admittedly that there is no such assertion that the proposed defendants were in possession of the suit property.

7. In view of the fact that plaintiff-respondent No.1. who is the *dominus litus*, has not claimed any relief against Krishan Parkash, Ram Singh and Jagdish Singh sons of Gardhara Singh and Chander Prabha and Gurdish Kaur daughters of Gardhara Singh and has specifically stated that they are neither in possession nor he asserts his rights qua them, no fault can be found with the impugned order dated 20.07.2024 passed by the Trial Court. The present revision petition being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

09.09.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO