

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

124

CR-7435-2023 (O&M)

Date of Decision: 10.01.2024.

Gajender Pal Singh

...Petitioner.

Versus

Gurudwara Committee and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Charanpreet Singh, Advocate
for the petitioner.

Sukhvinder Kaur, J.

By way of present revision petition, the petitioner has challenged order dated 11.10.2023 (Annexure P-4) passed by learned trial Court, vide which application under Order 1 Rule 10 CPC filed by petitioner seeking his impleadment as defendant No.5, has been dismissed.

2. The plaintiff filed the present suit for declaration to the effect that the plaintiff is owner in possession of the land measuring 25 kanal 10 marlas as detailed in the head note of the plaint with the consequential relief for mandatory injunction directing the defendants to enter the name of the plaintiff in the column of the ownership over the land referred above.

3. Learned counsel for the petitioner/applicant has contended that respondent No.1 has twisted and concealed the true and material facts from the Court that earlier on 17.11.1970, the land in dispute was allotted to

CR-7435-2023 (O&M)

Gurudwara Mohdi Prachin Bhain, but units allotment was wrongly cancelled and that order was received by M.O. on 29.01.1971. He has contended that the said cancellation was wrong and Gurudawara Mohdi, Bhain is entitled to the allotment of the land in question. Thereafter, Hakim Singh had filed revision petition before the Chief Settlement Commissioner, Haryana challenging that order and Chief Settlement Commissioner had ordered to restore the area which had been cancelled and further held that Gurudawara Mohdiwadi, Bhain is entitled to eight units of the land. Gurudawara Mohdiwad Bhain through Capt. Hukam Singh had deposited the requisite amount in favour of the Government on 09.06.1975 and also complied with the necessary formalities of changing the ownership in favour of the Gurudawara Mohdiwad Bhain. He has argued that respondent No.1 has filed the present suit in the name of Gurudawara Committee, Gurudawara Khannuwala, which is wrong and illegal as the land in dispute was not allotted in the name of Gurudawara Committee, rather it was allotted to Gurudawara Mohdiwad Bhain, Khannuwala. He has contended that respondent No.1 has the dishonest intention to grab the property which has not been allotted to him. He has submitted that the petitioner is necessary party to the present suit and he has also filed a civil suit for mandatory injunction directing the defendants to execute the sale deed under Swamitav Yojna in the name of Gurudawara Mohdiwad Bhain and for declaration to the effect that letter No.1542 dated 26.04.2022 of defendant No.1 is illegal, null and void. He has contended that as petitioner is involved in the allotment of land in the name of Gurudwara Mohdiwad Bhain, so the petitioner should be impleaded as defendant No.5 in the

CR-7435-2023 (O&M)

present suit.

4. I have heard learned counsel for the petitioner and have gone through the relevant record.

5. The present suit has been filed by Gurudawara Committee through its Managing Committee Gurudawara Khannuwala against the defendants. The facts which has been said to be concealed by the plaintiff as averred in the application under Order 1 Rule 10 CPC filed by the plaintiff have already been mentioned in the plaint. No relief has been sought by the plaintiff qua the petitioner, so he is not a necessary party for the proper adjudication of the matter in dispute. It is well settled law that unless it is compulsion of law plaintiff cannot be forced to add parties against whom he does not want to fight. Otherwise also, the applicant petitioner can file a separate civil suit if he so desires if he is having some grievance. Thus, petitioner in this case does not seem to be a necessary party to be arrayed as defendant No.1.

6. Thus, there being no illegality or infirmity in the impugned order and no interference there with is called for while exercising the revisional jurisdiction. The present revision petition being bereft of any merits stands dismissed.

7. All pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

10.01.2024.
komal

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