



CR-7701-2017(O&M)

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

CR-7701-2017(O&M)

Date of decision: 24.02.2025

Raj Kumar and another

..Petitioners

Versus

Nanad Kishore and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Dheeraj Mahajan, Advocate
for Mr. Jasjit Singh Saini, Advocate for the petitioners

Mr. Bhisham Kumar, Advocate for respondent no. 1 to 5

Mr. Tarun Vir Singh Lehal, Advocate for respondent no.6

ANIL KSHETARPAL, J. (Oral)

1. The petitioners assail the correctness of the trial court's order dismissing their application for impleadment as defendants in the pending suit filed by Nanad Kishore and others.

2. Nanad Kishore and others filed a suit for declaration to the effect that cancellation order of the plaintiff's shops and order declining re-allotment of shops in their favour are illegal, null and void. The suit was filed against the Municipal Council, Dhariwal, Tehsil and District Gurdaspur. Applicants filed application claiming that the suit property was allotted to them as lessee by the Municipal Council and they are in possession of the property. The trial court has dismissed the application on the ground that the applicants have failed to prove lease deed in their favour.

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3. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

4. Learned counsel representing the petitioners submits that the petitioners possession over the shop no.C-7 is admitted. He submits that the petitioners claim that the property was given on lease to their father. He submits that sufficient material has been produced by the Municipal Council to prove this fact.

5. Learned counsel representing the respondent (plaintiff) submits that the plaintiff being dominus litus cannot be forced to litigate against strangers. Learned counsel representing the Municipal Council submits that he has no objection if the petitioners are impleaded as party.

6. This Court has considered the submissions made by the learned counsel representing the parties.

7. In this case, the trial court has erred in taking a very conservative view. The possession of the petitioners is not in dispute. In such circumstances, the petitioners should have been impleaded as defendants, particularly, when the documents of lease are in possession and control of the Municipal Council and it has no objection to their impleadment.

8. The rule of dominus litus is not an absolute rule. The petitioners are interested in the result of the suit. Hence, their rights would be affected if they are not impleaded as party. Hence, the impugned order is set aside and the petitioners are impleaded as defendant no.2 and 3. The petitioners shall be granted opportunity to file their written statement and thereafter, the court will proceed in accordance with law.



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- 9. The revision petition stands allowed.
- 10. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

24.02.2025

rekha	
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No