



CR-3719-2023

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

(303)

CR-3719-2023

Date of decision: - 11.12.2025

Mayank Bansal

....Petitioner

Versus

Estate Officer and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Keshav Pratap Singh, Advocate, and
Mr. Ekteshwar Sidhu
for the petitioner.

Mr. Prateek Mahajan, Advocate, and
Mr. Mayank Vashishth, Advocate
for respondent No.1.

Mr. Anjum Ahmed, Advocate
for respondent No.2.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside/quashing order dated 25.05.2023 (Annexure P-8) passed by the Civil Judge (Sr. Division), Panipat, whereby the Court had allowed the application filed by the respondent No.2 under Order 1 Rule 10 CPC and had impleaded respondent No.2 as defendant.

2. On 05.07.2023, a Co-ordinate Bench of this Court was pleased to pass the following order: -



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*“Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.*

The petitioner has approached this Court by way of filing the instant revision petition under Article 227 of the Constitution of India for setting aside / quashing the order dated 25.05.2023 (Annexure P-8) passed by the Court of learned Civil Judge (Sr. Division), Panipat, whereby the application under Order 1 rule 10 of CPC filed by respondent no.2 for impleading her as defendant in the trial court proceedings has been allowed.

Learned counsel for the petitioner inter alia contends that the civil suit preferred by the petitioner was for permanent injunction restraining the defendant/Waqf Board from interfering in the peaceful possession of plaintiff / petitioner and respondent no.2 has no legal right to become a party in the said civil suit and the plaintiff / petitioner being the master of the suit cannot be compelled to implead a party against whom he is not claiming any relief.

Notice of motion returnable on 26/09/2023 .

Process Dasti as well.

05.07.2023”

3. Learned counsel for the petitioner has submitted that even in case the notice which had been issued by the Wakf Board was to both the plaintiff as well as to respondent No.2, then also, the same would give no cause to respondent No.2 to become defendant No.2 in the present suit and if so advised, they can file their own independent suit. It is further submitted that at any rate, respondent No.2 cannot possibly be granted any relief much less injunction in the suit filed by the plaintiff. It is argued that at any rate, the plaintiff is the *dominus litis* and he cannot be compelled to seek injunction against defendant No.2/respondent No.2 . It



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is prayed that the impugned order be set aside and the impleadment of respondent No.2 in the suit be also set aside.

4. Learned counsel appearing for respondent No.2, after taking into consideration the arguments raised on behalf of the petitioner, has fairly submitted that it would be in the better interest of respondent No.2 to institute her own suit instead of becoming a party in the present suit and has thus submitted that in case the impugned order is to be set aside, then, the same should not be construed as an estoppel against respondent No.2 from instituting her own suit.

5. Keeping in view the above-said facts and circumstances and the fair stand taken on behalf of the petitioner as well as respondent No.2, the present petition is allowed and the impugned order dated 25.05.2023 is set aside and the application filed by respondent No.2 for impleadment is dismissed.

6. It is made clear that the setting aside of the impugned order and the present order passed would not come in the way of respondent No.2 from instituting her own suit/proceeding in accordance with law.

December 11, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No