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

CR-4434-2024 (O&M)

Date of Decision : 11.09.2025

BALINDER

.... Petitioner

VERSUS

RAVINDER AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Aditya Narayan Arya Garg, 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 order dated 10.07.2024 (Annexure P-4) passed by the learned Civil Judge (Junior Division), Yamuna Nagar at Jagadhri whereby the application filed by the petitioner herein under Order I Rule 10 CPC read with Section 151 CPC was dismissed.

2. Brief facts relevant to the present *lis* are that the plaintiff-respondents No.1 and 2 herein filed a suit for permanent injunction restraining the defendant-respondents No.3 to 6 herein from interfering in the actual, physical and peaceful possession and ownership of the plaintiff-respondents No.1 and 2. Further injunction was sought that they be restrained from dispossessing the plaintiff-respondents No.1 and 2 from the suit property. Mandatory injunction was also sought directing the defendant-respondents No.3 to 6 to remove the door illegally installed by them in the Southern side of the suit property. After the evidence of the plaintiff-respondents No.1 and

2 was led and the defendant-respondents No.3 to 6 despite having availed 5 opportunities failed to lead any evidence, last opportunity was granted to them on 29.11.2022. At that stage the present application was filed by the petitioner herein for being impleaded as a party. It was averred in the application that the defendant-respondents No.3 to 6 and the plaintiff-respondents No.1 and 2 are colluding with each other and are trying to oust the petitioner from the property which was purchased by his father by virtue of a full payment agreement. The Trial Court while dismissing the application had noticed that not a single document was placed on the record in support of the averments made in the application and held that there was nothing on the record to *prima facie* show that the applicant (the petitioner herein) was in possession of the suit property or had raised any construction over the suit property. Aggrieved by the same the present revision petition has been filed.

3. Learned counsel for the petitioner would contend that the petitioner is in possession of the suit property as his father had, by virtue of a full payment agreement, been put in possession of the suit property. It is further the contention that the petitioner is a necessary and proper party.

4. Heard.

5. In the present case, as noticed by the Trial Court, not a single document was placed on the record to even remotely suggest that the petitioner herein was in possession of the suit property. In the plaint there is no relief sought against the petitioner. It is trite that the plaintiff is *dominus litis*. Not having claimed any relief against the petitioner herein and the petitioner having failed to produce any document on the record to show that

he was an affected party in any manner, no fault can be found with the impugned order.

6. The present revision petition being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

7. Needless to say, any observation made herein shall not be treated as an expression of opinion on the merits of the case.

11.09.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No