



CR-3892-2025

-1-

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

(129)

CR-3892-2025

Date of Decision: - 07.07.2025

Satnam Singh and others**....Petitioners****Versus****Nafe Singh and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Mohit, Advocate,
for the petitioners.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 19.04.2025 (Annexure P-1) passed by the Civil Judge (Junior Division), Panipat in Civil Suit No.620 of 2020, vide which the application dated 04.02.2021 (Annexure P-2) filed by the petitioners under Order 1 Rule 10 read with Section 151 CPC for impleading them as defendants in the suit has been dismissed.

2. Learned counsel for the petitioners has submitted that the petitioners are co-sharers in possession of the property in question and respondent No.1/plaintiff has filed a suit for permanent injunction without impleading the present petitioners as parties. It is further submitted that



CR-3892-2025

-2-

the petitioners had moved an application under Order 1 Rule 10 read with Section 151 CPC for impleading them as parties to the suit but the trial Court vide order dated 19.04.2025 had dismissed the said application. It is argued that the impugned order dated 19.04.2025 is against law and deserves to be set aside and the application filed by the petitioners under Order 1 Rule 10 read with Section 151 CPC for impleading them as parties to the suit deserves to be allowed.

3. This Court has heard learned counsel for the petitioners and has perused the paper-book and finds that the impugned order is in accordance with law and deserves to be upheld and the present revision petition being meritless, deserves to be dismissed for the reasons detailed hereinafter.

4. It is not in dispute that respondent No.1/plaintiff had filed a suit for permanent injunction against respondents No.2 to 4/defendants and not against the present petitioners. The prayer made in the said suit is reproduced herein below: -

“SUIT FOR PERMANENT INJUNCTION restraining the defendants forever from any kind of encroachment and creating any hindrance/obstruction in the peaceful, continuous, actual, exclusive, ownership, physical possession of the plaintiff over the suit property mentioned below in any manner whatsoever.

THE SUIT PROPERTY IS AS UNDER:

Property/House measuring 100 Sq. Yrds (2 Biswa) comprised in Khasra No.3795, situated within the revenue estate of Taraf Insrar, Panipat, within M.C. Limits, Panipat, consisting therein one room (office), shop, latrine-bathroom, installed gate and the dimensions and boundaries of the suit property is as under: -

***BOUNDARIES MEASUREMENT***

<i>North:</i>	<i>Road</i>	<i>12 Mtrs. wide</i>
<i>South:</i>	<i>House of Sukhbir Singh & Anil sons of Nafe Singh</i>	
<i>East:</i>	<i>Rasta</i>	<i>30 Mtrs.</i>
<i>West:</i>	<i>Road</i>	<i>12 Mtrs.”</i>

A perusal of the above would show that the only relief which has been sought by respondent No.1/plaintiff is for restraining the defendants therein (which does not include the present petitioners) from raising any kind of encroachment and creating any hindrance/obstruction in the peaceful, continuous, actual, etc., physical possession of the plaintiff over the suit property, which is a house measuring 100 sq. yards, comprised in khasra No.3795, situated within the revenue estate of Taraf Insrar, Panipat, within M.C. Limits, Panipat.

5. It is not disputed that no relief has been claimed against the present petitioners in the said suit. The trial Court had dismissed the application filed by the petitioners under Order 1 Rule 10 read with Section 151 CPC by observing that since no relief has been sought against the present petitioners, thus, there is no requirement of impleading them as parties and moreover, since the plaintiff is dominus litis, he cannot be compelled to litigate against persons who are not interfering in his possession. It was also observed that the relief of injunction is a personal right, which is sought by the plaintiff against an individual. Surprisingly, in spite of the said observations, the present petitioners have sought to file the present revision petition challenging the order dated 19.04.2025.



CR-3892-2025

-4-

6. From the above-said facts, it is apparent that no relief is sought against the present petitioners. Respondent No.1/plaintiff is dominus litis and he cannot be forced to add parties against whom he does not wish to seek any relief. The Hon'ble Supreme Court in case titled as "**Gurmit Singh Bhatia Vs. Kiran Kant Robinson and others**", **reported as (2020) 13 Supreme Court Cases 773** had clearly held that the plaintiff cannot be forced to add party against whom he does not wish to contest. It is thus, a matter of settled law that being the dominus litis, it is the right of the plaintiff to institute the case against the party against whom he wishes to contest and a person who is neither a necessary nor a proper party and against whom no relief is being claimed is not to be made a party.

7. Additionally, it would be relevant to mention that a decree of permanent injunction is only binding on the parties to the *lis* and thus, this Court sees no reason as to why the present petitioners wish to implead themselves as parties in the above-said suit for permanent injunction. Moreover, it has been fairly stated before this Court that in the injunction suit, the issues have been framed and even PW-1 has been partly examined and thus, any impleadment of the present petitioners, apart from being unnecessary, would also delay the proceedings.

8. Keeping in view the above-said facts and circumstances, this Court is of the opinion that the impugned order does not call for any

CR-3892-2025

-5-

interference and accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

July 07, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes