



In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Revision No. 4271 of 2022

Mahabir and Another

... Petitioner(s)

Versus

Pawan and Another

... Respondent(s)

AND

2. Civil Revision No. 5393 of 2022

Mahabir and Another

... Petitioner(s)

Versus

Sant Ram and Another

... Respondent(s)

DATE OF DECISION: 20.02.2025

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Anil Ghanghas and Mr. Abhishek Pahal, Advocates
for the petitioner(s).

Mr. Rajesh Lamba , Ms. Nirmal Rani and
Mr. Rahul Gugnani, Advocates, for respondent No.1.

Mr. Pravindra Singh Chauhan, Senior Advocate
with Mr. Navneet Singh, Advocate
for respondent No.2.

Anil Kshetarpal, J.

1. With the consent of the learned counsel representing the parties,
two connected revision petitions i.e. Civil Revision No. 4271 of 2022 and
Civil Revision No. 5392 of 2022 shall stand disposed of by a common order.

For facility, the necessary facts are being noticed from Civil Revision No.
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I attest to the accuracy and
integrity of this document

4271 of 2022.

2. The petitioners before this Court are the former office bearers, namely Sarpanch and Panch of the Gram Panchayat, Village Lilwan, Tehsil and District Sonapat. The respondent No.1-plaintiff filed a suit against the Gram Panchayat for grant of decree of permanent injunction. Subsequently, the village came within the Sonapat Municipal Corporation limits in July, 2015. Two brothers filed two separate suits for grant of decree of permanent injunction with regard to the same property against the Municipal Corporation, Sonapat. In those suits, the petitioners filed an application for impleadment on the ground that they are public spirited persons and due to encroachment on a public land, they are suffering. The Trial Court has dismissed their application on the ground that they are neither the proper nor the necessary parties. The correctness of this order is challenged before this Court.

3. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

4. The learned counsel representing the respondent contends that the petitioners cannot be impleaded as defendants because the plaintiff is *dominus litis* and no relief has been sought against the petitioners. He submits that after the property has come within the jurisdiction of Sonapat Municipal limits on 08.07.2015, the petitioners have no locus.

5. This Court has considered the submissions of the learned counsel representing the parties.

6. Order I Rule 10 of the Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”) for the impleadment of necessary parties.

It also provides that the Court may implead the parties who would help the Court in effectually and complete disposal of the suit. The petitioners are the former office bearers of the Gram Panchayat who were previously managing the public property. They are also the residents of the area where the alleged public property is located. They are adversely affected by the alleged encroachment on the part of the plaintiffs in both the suits. Hence, no prejudice shall be caused to the plaintiffs if the petitioners are impleaded. Moreover, the petitioners would help the Court in effectually disposing of the suit because the sole defendant is a body corporation which will be represented by its authorized representative.

7. Keeping in view the aforesaid facts, both the revision petitions are allowed and the impugned orders passed in both the suits are set aside.

**(Anil Kshetarpal)
Judge**

February 20, 2025
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No