



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

(128)

CR-5359-2025**Date of Decision:-11.08.2025**

JASBIR

... Appellant

Versus

SURESH KUMAR AND ANOTHER

... Respondents

-.-

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Vivek Singla, Advocate,
for the appellant.

VIRINDER AGGARWAL, J. (Oral)

1. Revisionist has filed this revision petition against order dated 26.10.2023 (Annexure P-4), vide which, the learned Civil Judge, Junior Division, Samalkha has allowed the application under Order 1 Rule 10 of CPC filed by respondent No.2. The order has been assailed on the grounds that the agreement to sell in favour of the revisionist is of 30.12.2013 and he filed the suit for possession with consequential relief of permanent injunction against respondent No.1. Respondent No.1 was proceeded against ex parte vide order dated 08.08.2018 and when the suit was ripe for arguments, respondent No.2 filed application under Order 1 Rule 10 CPC for impleading him as defendant No.2 on the grounds that respondent No.1 has entered into an agreement to sell dated 12.12.2014, so he is a necessary party.
2. The application was contested by the revisionist on the grounds that agreement to sell of the revisionist is prior in time, so the applicant is not a necessary party but the application was allowed vide impugned order.
3. The impugned order is being assailed on the grounds that respondent is not a necessary party nor even a proper party for contesting the



suit of the revisionist. Moreover, revisionist is *dominus litis* and has a right to choose the party, against whom he wants to contest.

4. I have gone through the impugned order.

5. There is a clear assertion by the respondent/applicant that he has filed a suit against defendant No.1 of the present suit on the basis of agreement to sell in his favour regarding the part of the property in dispute and that suit was decreed vide judgment dated 19.12.2019 and now considering the fact that the defendant of the present suit has been proceeded against ex parte and he is not contesting the suit of the revisionist and the respondent/applicant has some right, title or interest in the part of the suit property on the basis of decree in his favour, so the impugned order does not suffer from any jurisdictional error and does not call for any interference in revision petition.

6. Accordingly, the revision petition is dismissed. Pending miscellaneous application(s), if any, are also disposed of accordingly

7. Since, the suit of the revisionist is of the year 2018, so the learned Civil Judge is requested to expeditiously dispose of the suit preferably within one year. .

11.08.2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No