



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

123**CR No. 5453 of 2025****DATE OF DECISION :- 18.08.2025****Ram Krishan****...Petitioner****Versus****Sarla Devi and others****...Respondents****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL****Present:-** Mr. Hardip Singh, Advocate for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. This civil revision under Article 227 of the Constitution of India is directed against the order dated 08.07.2025 passed by learned Civil Judge, Bilaspur vide which the application filed by the petitioner under Order 1 Rule 10 of CPC for impleading him as defendant was dismissed.

2. Briefly, respondent-plaintiff filed a suit for declaration claiming himself to be joint owner in possession of suit land and that entries with regard to ownership in the name of defendants No. 1 and 2 being illegal, null and void and the sale deed Nos. 3011 of 07.12.2012 and 3009 of 06.12.2012 executed in favour of defendant No. 3 and consequential mutation is illegal, null and void. The suit was contested by defendants. Defendant No. 3 appeared through applicant being special power of attorney. Defendant No. 3 being in established possession of part of the suit land purchased by her has entered into an agreement to sell dated 14.11.2019. The sale deed could not be executed as Sub Registrar refused to register the sale deed but the possession was handed over to the petitioner. Defendant No. 3 has died on 01.10.2024 and her LRs have been brought on record. The petitioner filed an application for impleading him



as defendant but that application has been rejected vide impugned order dated 08.07.2025. The petitioner assails the order being illegal, null and void as there is a valid agreement to sell in favour of petitioner and the learned Civil Judge got swayed by the fact that sale deed was not got executed by petitioner in his favour in spite of lapse of sufficient time but the learned Civil Judge ignored the fact that sale deed could not be got executed in view of the status quo order dated 04.12.2019 and due to that reason petitioner could not sue for specific performance. The learned Civil Judge has committed a grave mistake by dismissing the application.

3. I have heard learned counsel for the petitioner and perused the paper book.

4. The impugned order does not suffer from any jurisdictional error. The learned Civil Judge has rightly declined the application as plaintiff is dominus litis and he cannot be compelled to contest against any person with whom he does not want to contest unless and until the person is a necessary party in the suit. In the present case the petitioner-applicant is not a necessary party. He has only an agreement to sell from defendant No. 3 in his favour and the learned Civil Judge has rightly observed that the same does not confer any right, title or interest in favour of petitioner. So, finding no merits in the revision petition, the same stands dismissed.

(VIRINDER AGGARWAL)
JUDGE

18.08.2025

P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No