



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

CR-6398-2025 (O&M)

Date of Decision: September 15, 2025

Vijay Kumar

.....Petitioner

Vs.

Gurpreet Singh and ors.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ashish Nagar, Advocate
for the petitioner.

SUDEEPTI SHARMA J. (Oral)

1. Present petition has been preferred for setting aside order dated 04.07.2025 passed by learned Addl. Civil Judge (Sr. Division), Hoshiarpur, whereby application under Order 1 Rule 10 of CPC filed by the petitioner for his impleadment being true owner of the suit property in a civil suit bearing No. CS-454-2024 titled as '*Gurpreet Singh vs. Palwinder Massi etc*' for permanent injunction over the suit property, was dismissed.

2. Learned counsel for the petitioner contends that learned Addl. Civil Judge (Sr. Division), Hoshiarpur has wrongly dismissed the application filed by the petitioner under Order 1 Rule 10 of CPC without taking into consideration that in the written statement filed by Palwinder Missi/respondent No. 6, he has taken the preliminary objections that the suit is bad for mis-joinder/non-joinder of necessary party. He further contends that learned Addl. Civil Judge (Sr. Division), Hoshiarpur has passed the impugned order dated 04.07.2025 by stating therein that plaintiffs/respondent Nos. 1 to 5 are *dominus litus*. Further, since the petitioner-Vijay Kumar is original owner and is in possession of the suit property, therefore, he prays that the present petition be allowed.



3. I have heard learned counsel for the petitioner and perused the whole file of this case with his able assistance.

4. A perusal of the file shows that Gurpreet Singh and others/respondent Nos. 1 to 5 filed suit for permanent injunction against Palwinder Missi/respondent No. 6. It is admitted fact in the written statement filed by Palwinder Missi/respondent No. 6 that he is only care taker of the property in question on behalf of the present petitioner, who raised the construction and trees also belongs to him.

5. Since the petitioner is the owner of the disputed property qua which the relief of permanent injunction is prayed for in the civil suit filed by plaintiffs/respondent Nos. 1 to 5, therefore, he moved application under Order 1 Rule 10 of CPC for his impleadment as defendant in the civil suit. Respondent Nos. 1 to 5 /plaintiffs objected to the same whereas respondent No. 6/defendant raised no objection to the application filed by the petitioner and stated verbally that petitioner-Vijay Kumar is original owner of the suit property and he is only care-taker of the suit property on behalf of the petitioner. These admitted facts are not disputed.

6. A perusal of the impugned order dated 04.07.2025 passed by learned Addl. Civil Judge (Sr. Division), Hoshiarpur shows that the application moved by the petitioner is dismissed only on the ground that respondent Nos. 1 to 5/plaintiffs are *dominus litus* of their case. It is only they who will decide against whom they are to pursue their case.

7. This Court does not accept the reasoning given by learned Addl. Civil Judge (Sr. Division), Hoshiarpur, since admittedly the petitioner-Vijay Kumar is true owner of the property in question. Further no prejudice would be caused to any of the party if the petitioner is impleaded as defendant in the civil suit filed by



respondent Nos. 1 to 5/plaintiffs. In the interest of justice as well as to avoid multiplicity of litigation, the impleadment of the petitioner as defendant in the civil suit is necessary. Also, since the petitioner is owner of the disputed property, therefore, he is necessary party to be impleaded.

8. In view of the same, the present petition is allowed. Order dated 04.07.2025 passed by learned Addl. Civil Judge (Sr. Division), Hoshiarpur, is set aside. Accordingly, application under Order 1 Rule 10 of CPC filed by the petitioner is allowed.

September 15, 2025

Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Yes/No

Whether reportable : Yes/No