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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision:10.02.2025

KHURSIDA

...PETITIONER

VS.

SAJIDA & ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. D.S. Adlakha, Advocate
for the petitioner.

Mr. Vikram Singh Narwal, Advocate
for respondent No.1.

Mr. Prince Singh, Advocate &
Mr. Hardeep, Advocate
for respondents No.2 to 4.

SUVIR SEHGAL, J.

1. Instant revision petition has been filed under Article 227 of the Constitution of India for setting aside order dated 19.10.2024, Annexure P-7, passed by the learned Civil Judge (Junior Division), Sub Division Bilaspur, whereby an application filed under Order 1 Rule 10 CPC by the petitioner for being impleaded as a defendant, has been rejected.

2. Counsel for the petitioner has argued that the petitioner is a necessary party to the suit for mandatory injunction filed by respondent



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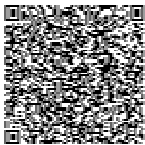
No.1/plaintiff as she has an interest in the land, on which, respondent No.1 intends to get a tubewell connection installed. He has made a reference to the plaint, Annexure P-5, to assert that a litigation filed by the petitioner claiming ownership in the suit land, is pending.

3. Per contra, learned counsel for respondent No.1/plaintiff has opposed the petition and while supporting the impugned order, he has submitted that the petitioner, who is the sister-in-law of respondent No.1 has filed a suit, Annexure P-8, for declaration that the tubewell connection be not released in the name of deceased-Mustkim.

4. I have heard counsel for the parties and considered their respective submissions.

5. Petitioner filed an application, Annexure P-3, for being impleaded as a party claiming that she is the sister of Mustkim, deceased-husband of respondent No.1/plaintiff. She claimed that a title suit is pending and in case the suit filed by respondent No.1 is accepted, her interest is likely to be adversely affected. A perusal of the plaint, Annexure P-1, shows that respondent No.1 has filed a suit for mandatory injunction against the electricity board, respondents No.2 to 4 for release of electricity connection. She has not claimed any relief against the petitioner. Merely because there is some dispute about the ownership of the agricultural land, on which, the electricity connection is sought to be installed, would not make the petitioner a necessary party to the litigation. Respondent No.1/plaintiff is the *dominus litis*. She cannot be compelled to sue a person against whom she does not claim any relief. Institution of the litigation at the hands of the petitioner qua

the suit land does not make her a necessary and a proper party. Her presence



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is not required to adjudicate and settle the questions involved in the suit, Annexure P-1. Hence, there is no irregularity or illegality in the order passed by the Trial Court.

6. Finding no merit in the petition, it is dismissed with no order as to cost.

10.02.2025 (SUVIR SEHGAL)
sheetal JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No