



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

CR-1846-2026

Date of Decision: 05.03.2026

ROHIT GOYAL AND OTHERS

...Petitioners

Vs.

MEWA SINGH AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Kashish Garg, Advocate
for the petitioners.

VIRINDER AGGARWAL, J. (Oral)

1. The present civil revision petition has been filed under Article 227 of the Constitution of India assailing the order dated 19.11.2025 (Annexure P-6) passed by the learned Civil Judge (Junior Division), Barnala, whereby the application filed by the petitioners under Order 1 Rule 10 CPC for impleading them as defendants in the suit filed by the respondents/plaintiffs, was dismissed.

2. Briefly stated, the respondents/plaintiffs filed a suit for a permanent injunction, seeking to restrain the defendants from alienating the suit land without effecting its partition. The suit was contested by the defendants on the ground that they are in separate possession of their respective shares of the suit land, as the property had already been partitioned among the co-sharers, and consequently, the plaintiffs have no concern with the portions of the land in the possession of the defendants. The petitioners filed an application under Order 1 Rule 10 of the CPC seeking to be impleaded as defendant Nos. 3 to 6 in the suit. It was stated that on 16.03.2022, the defendants had entered into an agreement to sell the suit land



in favor of the petitioners/applicants, and possession of the property was delivered to them on the stipulated date. The petitioners further stated that they appeared at the office of the Sub-Registrar to register the sale deed, but the defendants failed to turn up. It was also alleged that the plaintiffs and defendants are in close relations, and that the plaintiffs had filed the suit in collusion with the defendants with the object of defeating the rights of the petitioners. The application for impleadment was contested by both the respondents/plaintiffs and the respondents/defendants. Vide the impugned order, the learned Civil Judge, Bathinda, dismissed the application. Being aggrieved by the said order, the present revision petition has been filed before this Court.

3. Learned counsel for the petitioner contended that the impugned order is illegal, arbitrary, and non-speaking, being the result of non-application of mind by the learned Civil Judge. It is submitted that the order has been passed in a mechanical manner, without due appreciation of the pleadings and grounds raised in the application. The learned Civil Judge has failed to consider that the defendants had executed an agreement to sell the suit land in favor of the petitioners/applicants, and that the defendants had subsequently filed Civil Suit No. 174 of 2024. The presence of the petitioners in the suit was necessary to effectively settle the controversy regarding the suit land. It is further submitted that impleading the petitioners as defendants would serve the interest of justice and avoid multiplicity of litigation, thereby ensuring a complete adjudication of the rights of all parties concerned.

4. I have heard counsel for the petitioners and gone through the paper-book carefully.



5. The learned Civil Judge, vide the impugned order, has declined the application on the ground that the suit is for a permanent injunction, in which the plaintiffs seek to restrain the defendants, being co-sharers of the suit land, from alienating the joint property. It has been held that the applicants are neither necessary nor proper parties to the present suit. The impugned order, thus, records that since the dispute primarily concerns the rights of the co-sharers among themselves, impleadment of the applicants as parties is not warranted in the view of the learned Civil Judge.

6. The claim of the petitioners is founded upon an agreement to sell executed by the defendants in their favor with regard to the suit land. It is well-settled law that an agreement to sell does not, by itself, confer any right, title, or interest in immovable property. The status of the petitioners/applicants is therefore limited to that of agents or persons acting under the title of the defendants. They do not possess any independent right, title, or interest in the suit land. The learned Civil Judge has rightly held that the petitioners' remedy, if any, lies in filing a separate suit for specific performance against the defendants. Further, it is well-established that the findings in a suit for permanent injunction bind only the parties to the suit. Since the petitioners/applicants are neither necessary nor proper parties for adjudicating the dispute between the plaintiffs and defendants, they cannot claim any direct interest in the proceedings. The respondents/plaintiffs, being *dominus litis*, cannot be compelled to contest against any person against whom they do not choose to litigate. In view of these settled legal principles, there is no illegality or infirmity in the findings of the learned Civil Judge. The learned Civil Judge has rightly declined to exercise jurisdiction in favor of the



petitioners/applicants, and the order does not warrant any interference by this Court.

7. Accordingly, the present petition is dismissed.

(VIRINDER AGGARWAL)
JUDGE

05.03.2026
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>