



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

(125)

CR-1798-2026 (O&M)
Date of Decision: **22.04.2026**

AADIL RASHID THIND

... Petitioner

Versus

AMNA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Jai Bhagwan, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been instituted under Article 227 of the Constitution of India, invoking the supervisory jurisdiction of this Court to assail the order dated 12.01.2026 (**Annexure P-7**), whereby the application preferred by the petitioner under Order I Rule 10 of the Code of Civil Procedure, 1908 (for short, "CPC"), seeking impleadment as a defendant, has been dismissed by the learned Trial Court.

2. Facts in brief are that respondents No.1 and 2 (plaintiffs) instituted a suit for mandatory injunction, seeking a direction to



respondents No.3 and 4 (defendants therein) to remove/uproot the sewage pipeline depicted in red colour from Point 'X' to 'Y' in the site plan (Mark 'X') appended with the plaint, on the ground that the same has been laid within the land owned and possessed by the plaintiffs.

3. The suit was contested by the defendants. During its pendency, the present petitioner moved an application under Order I Rule 10 CPC for impleadment, asserting that although the land is recorded as joint in the revenue record, distinct residential plots have been carved out on the spot, with a common passage reserved for ingress and egress, wherein the sewage lines have been laid by the competent authorities. It was contended that in the event the relief sought by the plaintiffs is granted, the petitioner's rights would be directly prejudiced, he being the owner of one such plot in *Mustak Basti* and having a substantial and direct interest in the subject matter, particularly with respect to essential civic amenities such as water and sanitation. The application was contested by the plaintiffs and came to be dismissed vide the impugned order. Learned counsel for the petitioner has assailed the said order on the ground that the learned Trial Court failed to appreciate the factual matrix in its correct perspective and overlooked the direct and substantial impact that the adjudication of the suit would have upon the petitioner's rights.

4. I have heard learned counsel for the petitioner at length and have carefully perused the record as well as the paper-book.

5. A perusal of the impugned order reveals that the learned Trial Court has declined the application upon recording a categorical finding that the controversy in the suit is confined to the allegation of the plaintiffs

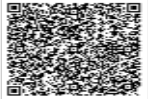


that the sewage pipeline has been laid within their private property, whereas the defendants have asserted that the same exists in a common passage. The petitioner, in essence, seeks to espouse a defence identical to that of the existing defendants, premised on his apprehension that the relief, if granted, may affect his use of the sewage facility. The learned Trial Court has rightly observed that in the event the plaintiffs succeed in establishing that the pipeline is laid within their private land, its removal would not result in deprivation of sewage facilities per se, but would necessitate its lawful relocation in an appropriate public passage.

5.1. In the given factual conspectus, the petitioner cannot be regarded as a necessary or proper party, inasmuch as no relief has been claimed against him and the lis can be effectively adjudicated inter se the existing parties. The principle of *dominus litis* entitles the plaintiff to choose the parties against whom relief is sought, and the petitioner, at best, has an independent cause of action, if any, which may be pursued in accordance with law.

5.2. Consequently, no illegality, perversity, or jurisdictional error is discernible in the impugned order warranting interference under Article 227 of the Constitution of India. The petition, being devoid of merit, is accordingly **dismissed**.

6. The observations recorded in this order are intended solely for the adjudication of the present issue and are limited to the scope of this specific controversy. They shall not be construed as an expression of opinion on the merits of the underlying dispute. Nothing stated herein shall prejudice the rights, claims, or contentions of any party in any other



proceeding, nor shall it be treated as a final determination of any substantive question of fact or law in the main matter.

7. Since the principal matter has been finally adjudicated, all pending miscellaneous applications are disposed of accordingly. No further orders are required in this regard.

22.04.2026
Gaurav Sorot

(**VIRINDER AGGARWAL**)
JUDGE

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