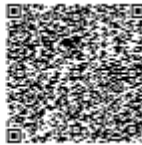


2026:PHHC:081156



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

113

CR-4338-2026

Date of decision :22.05.2026

RAJWINDER SINGH BHALLA

... PETITIONER

VERSUS

GUNJAN BANSAL AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

Mr. Ajay Jain, Advocate
for respondent No. 2.

PARMOD GOYAL, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India by the petitioner, a third party, assailing the impugned order dated 25.03.2026 (Annexure P-7) passed by the learned Additional Civil Judge (Senior Division), Jalandhar, whereby the application filed by the petitioner-applicant under Order I Rule 10 CPC, 1908 seeking impleadment of petitioner as defendant No. 2 was dismissed.

2. Admittedly, respondent No. 1-plaintiff had instituted a suit for permanent injunction against respondent No. 2-Municipal Corporation, Jalandhar, seeking to restrain respondent No. 2-Municipal Corporation from sealing or demolishing any part of the property in possession of the plaintiff at 569-570, New Jawahar Nagar Market, Jalandhar as shown in site plan attached with plaint.

3. In the said suit, the applicant-petitioner has sought impleadment on

the ground that the previous owner of the suit property had committed building violations, regarding which the petitioner-applicant had submitted a complaint to the Chief Minister of Punjab on 09.07.2025 and representations to the concerned authorities on 11.07.2025 was also made.

4. It was further asserted that the property in possession of the plaintiff is unauthorized occupation involving illegal construction, causing harassment and inconvenience to the petitioner-applicant, and that respondent No. 2-Municipal Corporation was colluding with the plaintiff and deliberately avoiding taking any action against the violators. Petitioner also stated that he had filed Civil Writ Petition No. 26393 of 2025, wherein the respondent No. 2-defendant had submitted that proceedings were being undertaken and notices had already been issued to the concerned parties. However, according to the petitioner, no action had been taken till date and the respondent No. 2-Municipal Corporation was, in fact, siding with the plaintiff to protect the alleged illegal construction and encroachment.

5. The aforesaid assertions made by the petitioner-applicant was contested by the respondents-plaintiffs on the ground that the petitioner-applicant had no right, title, or interest in the matter and that the respondent No. 1-plaintiff, being *dominus litis*, could not be compelled to litigate against a person against from whom no relief has been sought. Accordingly, it was contended that the application under Order I Rule 10 CPC, 1908 was not maintainable.

6. The learned Court of first instance had held that the respondent No. 1-plaintiff is the master of his own suit and cannot be compelled to litigate against a person whom he had not chosen to implead. It was observed that neither any claim had been made against the petitioner-applicant nor any relief

against him was sought; therefore, he was neither a necessary nor a proper party to the suit. Consequently, the application under Order I Rule 10 CPC, 1908 filed by petitioner-applicant was dismissed.

7. On consideration, I find no error in the impugned order dated 25.03.2026 passed by learned Court of first instance. Plaintiff cannot be compelled to litigate against a party against whom no relief has been sought and cause of action has not arisen. So far as the impleadment of the petitioner-applicant in the suit filed by the plaintiffs is concerned, he has no direct concern with the relief claimed therein.

8. The petitioner-applicant, however, is at liberty to avail appropriate legal remedies in accordance with law, if any cause of action accrues in his favour. However, he cannot force his participation in litigation initiated by the plaintiff against respondent No. 2-Municipal Corporation, particularly when no claim or relief has been sought against him.

9. The petitioner-applicant, therefore, has no locus standi to contest or participate in the proceedings initiated by the plaintiff. The learned Court below has rightly held that the petitioner-applicant is neither a necessary nor a proper party to the suit and, therefore, has no right to be impleaded therein.

10. Consequently, the revision petition, being devoid of merit, is hereby dismissed.

11. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

22.05.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No