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

CR-122-2026 (O&M)

Date of Decision : 11.03.2026

Saroj Aggarwal

... Petitioner(s)

Versus

Harvinder Kaur & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashutosh Gupta, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India challenging the impugned order dated 24.11.2025 (Annexure P-1) dismissing the application filed by the petitioner under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (CPC) for being impleaded as a defendant in the suit.

2. Brief facts relevant to the present *lis* are that the plaintiff-respondent Nos.1 to 3 herein filed a suit for simpliciter permanent injunction restraining the defendants therein (respondent Nos.4 to 5 herein) from interfering in the peaceful possession of the plaintiff-respondent Nos.1 to 3 or from ejecting and dispossessing them forcibly except in due course of law. Written statement was filed by the defendant-respondent Nos.4 and 5. An application was filed by the present petitioner for being impleaded as a party on the ground that she was a co-sharer in the suit property and she is the mother of the defendant No.1 (respondent No.4 herein), however, she has not been impleaded as a party and that her presence is necessary for throwing clear

light on the litigation. Reply was filed to the application and vide the impugned order 24.11.2025, the application was dismissed. Hence, the present revision petition.

3. Learned counsel for the petitioner would contend that even though the petitioner is not a necessary party, however, she would be a proper party as she is the owner of the property in dispute. Learned counsel would contend that the petitioner is the owner of the property, though he has candidly admitted that in the application filed by the petitioner herself it has been stated that she is a co-owner in the property. Learned counsel would further contend that in order to grab the valuable property of the petitioner, she has not been arrayed as a party.

4. I have heard the learned counsel for the petitioner.

5. In the present case, the only relief sought in the suit is for simpliciter permanent injunction restraining the defendants from interfering in the peaceful possession of the plaintiff-respondent Nos.1 to 3 and dispossessing them forcibly except in due course of law. The petitioner herein has alleged that she is a co-owner in the suit property and is in exclusive possession of the same. The property in dispute is part of Khasra No.85//3/3, 4/2, 7, 8/1 and the petitioner had purchased 26 marlas of land in the said khasra numbers vide a registered sale deed dated 25.09.2017. The Trial Court has noticed that even the sale deed was not placed on the record alongwith the application. During the course of the arguments, the learned counsel for the petitioner has admitted that there is no relief claimed against the petitioner.

6. It is trite that the plaintiff being *dominus litis* can choose the person who the plaintiff wants to implead as a defendant. Learned counsel for the petitioner has not been able to show any relief which is being claimed

against the petitioner. The suit is for simpliciter permanent injunction restraining the defendant-respondent Nos.4 and 5 from interfering in the peaceful possession of the plaintiff-respondent Nos.1 to 3 and dispossessing them forcibly except in due course of law. Hence, it is not a case where the petitioner would be a necessary or a proper party.

7. In view of the above, I do not find any merit in the present revision petition. The same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

11.03.2026
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO