



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

126

CR-2748-2025

Date of Decision: 06.05.2025

Rohit

....Petitioner

Versus

Anil Sanghi and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Manoj Pundir, Advocate for the petitioner.

NIDHI GUPTA, J.

1. The present Civil Revision Petition has been filed by the petitioner under Article 227 of the Constitution of India, for quashing the impugned order dated 05.12.2024 (Annexure P-10) passed by the trial Court, whereby the application dated 05.07.2023 (Annexure P-8) filed under Order I Rule 10 read with Section 151 CPC for impleading the petitioner as respondent-defendant in CS-1592/2022 dated 23.12.2022 (Annexure P-6), titled as 'Anil Sanghi vs. State of Haryana and others', has been dismissed.

2. Learned counsel for the petitioner, *inter alia*, submits that the Civil Suit No. 1592/2022 dated 23.12.2022 (Annexure P-6) was filed by respondent No. 1-plaintiff seeking declaration with consequential relief of permanent injunction, and challenging the show-cause notice dated 03.11.2022 issued by the Government of Haryana against the respondent No. 1-plaintiff. It is submitted that the issue involved in the abovesaid suit pertains to the illegal building raised by the plaintiff, without getting sanctioned the building plan from the concerned authorities; and without



taking NOC from the Fire Department. Despite that plaintiff is running a hospital in the said building. Even the Deputy Commissioner, Municipal Corporation, Rohtak had issued an order dated 01.09.2016 (Annexure P-1) for taking action against the unauthorized constructions and against the unauthorized buildings, including the building of plaintiff.

3. Ld. Counsel submits that petitioner is necessary party to the said proceedings as the abovesaid show-cause notice dated 03.11.2022 was issued to the plaintiff at the instance of the petitioner only upon various representations moved by the petitioner to the concerned Authorities. It is submitted that it is in this background, that the petitioner had moved the present application (Annexure P-8) under Order I Rule 10 read with Section 151 CPC seeking to be impleaded in the above suit. It is also contended that respondent No. 1 is hand in glove with the Official Authorities, due to which the learned trial Court had granted interim stay against the seizure of the hospital of the plaintiff. It is, therefore, submitted that the petitioner was necessary party to the civil suit and the learned trial Court had committed patent error in dismissing of the present application. It is accordingly, prayed that the present Civil Revision petition be allowed and the impugned order (Annexure P-10) be set aside.

4. In support, learned counsel for the petitioner relies upon judgments in *Era Sood vs. Shri Achleshwar Mahadev, Gian Panthi Sewa Mandal and others, Law Finder Doc Id # 997950* and *Nand Lal Nandwani vs. Bhagwan Dass, Law Finder Doc Id #53018*.

5. No other argument has been raised by learned counsel for the petitioner.



6. I have heard learned counsel and perused the case file in great detail.

7. I find no merit whatsoever in the submissions advanced by learned counsel for the petitioner. It is the contention of learned counsel for the petitioner that plaintiff has raised an illegal building and is running a hospital in the said building. However, during the course of arguments, it has been admitted by learned counsel for the petitioner that he has no *locus* in the present case as, he is no Public Authority. Moreover, prior to filing of the present suit (Annexure P-6) by respondent No. 1-plaintiff for setting aside the show-cause notice dated 03.11.2022; the petitioner had filed a Civil Suit No. 1217/2018 dated 26.10.2018 (Annexure P-2) under Section 91 CPC for permanent and mandatory injunction against respondent No. 1.

8. I find no error whatsoever in the impugned order dated 05.12.2024 (Annexure P-10) passed by the learned trial Court. It is a well-established proposition of law that the plaintiff *is dominus litis*/master of his own suit. It has been admitted by the learned counsel for the petitioner before this Court that the petitioner is “nobody” and has no interest involved in the suit filed by respondent No. 1-plaintiff. Thus, the petitioner has no *locus standi* as, he has no concern or interest or right in the suit. No doubt, the petitioner may have filed various representations qua the allegedly illegal construction raised by respondent No.1. Although there is no supporting material on record to establish the said contentions, yet, even if the said assertion is taken to be correct, the matter regarding raising of illegal building by the plaintiff without sanctioning the building plan from the concerned authorities; and running of hospital in the said



building without taking NOC from the Fire Department, is and would be solely between the plaintiff and the concerned Authorities. As such, the petitioner is neither a necessary party nor a proper party. No right, title or interest of the petitioner will be affected by the outcome of the suit.

9. It has been repeatedly held by the Hon'ble Supreme Court in numerous decisions that necessary party is the one without whose presence no effective and complete adjudication of the dispute can be made and no relief can be granted. The only reason which makes it necessary to make a person party to the action is that the said action cannot be effectively and completely settled unless he is a party. From the facts as noted above, it is patently established that the petitioner is not the necessary party to the proceedings; and therefore, his application for impleadment has been rightly rejected.

10. As such, I find no error whatsoever in the impugned order dated 05.12.2024 (Annexure P-10).

11. The present civil revision petition is accordingly **dismissed**.

12. Pending application(s), if any, shall also stand disposed of.

06.05.2025
rishu

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**