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

CR-6971-2025  
CR-6986-2025  
Date of Decision: 01.10.2025

**1. CR-6971-2025**  
MANGAL SINGH

....Petitioner

Versus

HARDEEP SINGH AND OTHERS

...Respondents

**2. CR-6986-2025**  
PARAMJIT SINGH

....Petitioner

Versus

HARDEEP SINGH AND OTHERS

...Respondents

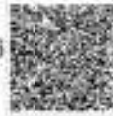
**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Ms. Bhavna Kapoor, Advocate  
for the petitioner(s).  
(Through V.C.)

**Parmod Goyal, J. (Oral)**

Petitioner/plaintiff is aggrieved by impugned order dated 18.08.2025, passed by learned Additional Civil Judge (Senior Division), Bholath, vide which an application under Order I Rule 10 CPC read with Section 151 CPC preferred by Gram Panchayat seeking impleadment as defendant No.6 was allowed by the Court of first instance.

2. Gram Panchayat/applicant claimed that suit property is common land of village. As such land in dispute vests in Gram Panchayat of the village and cannot be transferred or partitioned in any manner. It is asserted that even in demarcation report got by plaintiff, the land was found to be vesting in Gram Panchayat and, therefore, by not making Gram Panchayat party in the present suit, plaintiff is trying to create evidence in his favour by impleading other persons, who have no concern in the suit property as



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defendants want to succeed by back door in their suit for permanent injunction. Gram Panchayat being owner is necessary party for just decision of this case.

3. On the other hand, the application was duly opposed by petitioner/plaintiff on the ground that present is a suit for permanent injunction. It was asserted that Gram Panchayat Village Dhakran has got no right, title or interest with the suit land. It was asserted that Gram Panchayat, Dhakran never managed or controlled the suit land and plaintiff is not seeking any relief against the Gram Panchayat Village Dhakran and, therefore, neither Gram Panchayat is necessary party nor is required in just decision of the case. It is asserted that it is plaintiff who is master of his case and, therefore, no defendant can be impleaded against the will of plaintiff, specially when plaintiff is not seeking any relief against Gram Panchayat.

4. Learned Court of first instance after considering the respective contentions and after going through the revenue records pertaining to land, concluded that *prima facie* suit land is recorded to be Jumla Malkaan Vs. Degar Haqdaran Hasab Rasad Khewat and nature of property is 'Gair Majarua' management of which is vested with Gram Panchayat, Dhakran. It is also noted that plaintiff is not reflected in possession of property as per jamabandi and keeping in view the facts and circumstances specially revenue record, it was found that Gram Panchayat being owner of the property is necessary party and application under Order I Rule 10 CPC was allowed.

5. Learned counsel for petitioner/plaintiff has challenged the impugned order dated 18.08.2025, on the grounds that there was no need to make the Gram Panchayat as defendant as plaintiff is not seeking any relief



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against Gram Panchayat. It is asserted that it is plaintiff who is in possession and his possession is being disturbed by defendants No.1 to 5 and, therefore, plaintiff is seeking his remedy only against defendants No.1 to 5. It is the case of defendant that Gram Panchayat has no concern with the property. The second argument raised on behalf of petitioner/plaintiff is that plaintiff is *dominus litis* and, therefore, being master of his own case cannot be forced to implead Gram Panchayat as one of the parties.

6. Reliance has been placed upon the following judgments namely ***Pawan Kumar Vs. Tarsem Kataria and Others***, CR No.6503 of 2015, Law Finder Doc Id #1398660 and ***Satnam Singh and Others Vs. Nafe Singh and Others***, 2025 (3) RCR (Civil) 668. The principle of law that plaintiff is *dominus litis* and cannot be compelled to implead parties against whom no relief is sought is not in doubt.

7. However, this rule is not absolute rule and has exception to the same. A party can be impleaded even against the wishes of plaintiff, if it is shown that said party is necessary or proper party for proper and just adjudication. The general principle is that no one should be allowed to litigate with the party if he has not chosen to do so, however, to this general rule the exception is that if somebody is found necessary and proper party for effective adjudication, then he can be impleaded as a party to the proceedings. Exception is based upon public policy. The Courts cannot be misused by a litigant in any manner to create evidence in his favour by filing collusive suit for excluding real party or beneficiary or real person who is affected by consequences of that suit.

8. In the present suit, Gram Panchayat, Village Dhakran as per revenue records is owner of the suit property. Learned counsel for



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petitioner/plaintiff fairly admitted that she is not denying the entry made in revenue records. However, stated that the land originally belonged to one Dalip Singh who had given same to plaintiff under an agreement in 2008. Once petitioner/plaintiff is not denying the entry made in the revenue record which if read fully, goes to show that management of suit property vest in Gram Panchayat, therefore, in such a situation Gram Panchayat, Dhakran would be necessary party as it would be directly affected by any claim of the petitioner/plaintiff regarding possession. Gram Panchayat is actually denying possession of plaintiff over suit property. If the suit is allowed to continue without impleadment of Gram Panchayat, it would result in multiplicity of litigation as well as conflicting judgments by different Courts.

9. In view of the facts and circumstances of present case, Gram Panchayat is clearly a necessary party and suit of plaintiff in absence of Gram Panchayat, Dhakran would amount to abuse of process of Court. None of the judgments cited by learned counsel for the petitioner has any applicability, though principles as noted above are not in doubt. Accordingly, present petition is without any merit, hence is dismissed.

**(PARMOD GOYAL)**  
**JUDGE**

**01.10.2025**  
chiranjeev

|                           |   |        |
|---------------------------|---|--------|
| Whether Speaking/Reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |