



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(119)

CR No. 6676 of 2025

Date of Decision : 19.09.2025

Sudhir Kumar Saini

...Petitioner

Versus

The Chairman, Chandigarh Housing Board and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. C.L. Pawar, Advocate with
Mr. Rubal Pawar, Advocate for the petitioner.

Amarinder Singh Grewal, J. (Oral)

1. The present Civil Revision Petition has been filed under Article 227 of the Constitution of India for setting-aside the impugned order dated 16.07.2025 (Annexure P-7) passed by learned Civil Judge (Sr. Divn.), Chandigarh, whereby the application dated 02.03.2023 (Annexure P-3) filed by the petitioner herein under Order 1 Rule 10 CPC for impleading him as a party to the civil suit filed by the plaintiff Bish Ram @ Vish Ram (respondent No. 2 herein), was dismissed.

2. Brief facts of the case are that plaintiff Bish Ram @ Vish Ram (respondent No. 2 herein) filed a Civil Suit before the learned Civil Judge (Sr. Divn.), Chandigarh against the Chairman, Chandigarh Housing Board and others for mandatory injunction seeking declaration of his ownership over House No. 1125, New Indira Colony, Manimajra, Chandigarh on the



basis of the allotment letter, possession letter and account statement of installments/premium paid by him to Chandigarh House Board, Chandigarh. Further prayer of the plaintiff is that defendants No. 2 and 3, namely, Raj Pal and Kishan be restrained from selling, alienating, mortgaging of the dwelling Unit No. 1125, Indira Colony, Manimajra, Chandigarh and to handover the vacant and physical possession of the said house to any other person except the plaintiff, Bish Ram @ Vish Ram.

3. The case of the plaintiff, Bish Ram @ Vish Ram is that he is owner of House No. 1125, Indira Colony, Manimajra, Chandigarh, which falls under EWS Category and the said house was allotted to him by the Chandigarh Housing Board on the basis of hire purchase basis vide Memo No. HB(D) DA/AA/93/6084 dated 23.12.1993 in lieu of his Jhuggi No. A-39, Gandhi Labour Colony, Sector-26, Chandigarh. It has further averred in the suit that one person, namely, Vasu Dev is the brother-in-law (Saadu) of the plaintiff-Bish Ram @ Vish Ram and defendant No. 2-Raj Pal is cousin of said Vasu Dev. The plaintiff had mortgaged his house in question with one person, namely, Lala Jagdish Mittal for a sum of ₹50,000/- in the year 2002. Defendant No. 2-Raj Pal along with his cousin Vasu Dev came to the house of the plaintiff and requested the plaintiff that they be allowed to reside in the above said house as a licensee as they have no accommodation to reside at Chandigarh and defendant No. 2 assured the plaintiff that they would repay the mortgaged money to said Lala Jagdish Mittal.

4. Plaintiff then accepted the request of defendant No. 2 and permitted him to reside in the house in question as a licensee and thereafter, defendant No. 2 started residing in the ground floor of House No. 1125,



Indira Colony, Manimajra, Chandigarh. Plaintiff paid all the installments of ground rent and premium of the said house from 02.10.1994 to 12.10.2008 to the Chandigarh Housing Board, Chandigarh.

5. It has been further averred in the suit that thereafter, plaintiff performed the marriage of his elder son, namely, Rakesh Kumar and as such he required the entire ground floor of House No. 1125, Indira Colony, Manimajra, Chandigarh for personal use. He made personal request to defendant No. 2 to vacate and hand over the vacant physical possession of the entire house but in vain.

6. Written statement was filed by defendant No. 2-Raj Pal, wherein, it has been submitted that the plaintiff had sold the house to Smt. Shayamwati wife of Sh. Vashdev, resident of House No. 2192, Indira Colony, Manimajra, U.T., Chandigarh and also executed relevant documents i.e. GPA, WILL, Affidavit and Agreement to Sell in favour of Smt. Shayamwati in respect of the house in question. Thereafter, said Smt. Shayamwati on the basis of Agreement to Sell and other documents sold the said house to defendant No. 2-Raj Pal and also executed GPA, Agreement to Sell, WILL in favour of defendant No. 2.

7. During the pendency of the suit, the present petitioner Sudhir Kumar Saini moved an application under Order 1 Rule 10 CPC for impleading him as defendant/necessary party in the said civil suit on the basis of alleged transfer of rights through documents such as GPA, WILL and Agreement to Sell executed by defendant No. 2-Raj Pal in his favour.

8. It has been averred in the application that Smt. Shayamwati had earlier sold the suit property to defendant No. 2-Raj Pal son of Sh. Dharam



Pal by executing documents of title i.e. Agreement to Sell, GPA, Will etc. Thereafter, defendant No. 2-Raj Pal allegedly sold the suit property to the petitioner-Sudhir Kumar Saini by executing a fresh set of documents i.e. Agreement to Sell, GPA and Will etc. It has further stated that petitioner Sudhir Kumar Saini had inducted defendant No. 3-Kishan as a tenant in the house in question but defendant No. 3 stopped paying rent to the petitioner Sudhir Kumar Saini, which forced the plaintiff to file a complaint. On these grounds, petitioner Sudhir Kumar Saini prays that he is a necessary party to be impleaded in the civil suit.

9. Reply to the said application was filed by the respondent No. 2-plaintiff Bish Ram @ Vish Ram raising objections as to the locus standi and maintainability of the petitioner's plea. It was contended that the story put forth by the petitioner was false and that the documents relied upon by him were forged and fabricated.

10. Learned Trial Court on hearing submissions of the respective parties had dismissed the application vide order dated 16.07.2025. This order is under challenge in the present Civil Revision Petition.

11. Learned counsel for the petitioner argues that the petitioner being the bona fide purchaser of the suit property is legally entitled to protect his ownership and possession on the basis of the documents of title i.e. Agreement to Sell, GPA, Will etc., therefore, petitioner is necessary party to be impleaded in the civil suit and the present application under Order 1 Rule 10 CPC filed by the petitioner may kindly be allowed.



12. In view of the order proposed to be passed, notice is not being issued to the respondent as it would unnecessarily delay the proceedings and also entail additional expenses for the respondents.

13. I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

14. It may be noticed that learned Trial Court while passing the impugned order dated 16.07.2025 had categorically held that there is no sale deed to show the sale of the suit property by the plaintiff Bish Ram in favour of Smt. Shyamwati and further by Smt. Shyamwati in favour of defendant No. 2-Raj Pal and then by Raj Pal in favour of the petitioner Sudhir Kumar Saini.

15. This Court feels that the impugned order dated 16.07.2025 passed by the learned Lower Court cannot be held to be perverse, illegal in any manner because of the fact that in case, it is taken that Raj Pal had allegedly executed GPA, WILL etc. in favour of the petitioner Sudhir Kumar Saini, the same documents cannot be held the title deeds. Rather, it is a case of the respondent No. 2-plaintiff that he was allotted the property in question by the Chandigarh Housing Board. Merely on the basis of reliance by the petitioner that defendant No. 2-Raj Pal had executed documents such as an Agreement to Sell, Will and GPA in his favour, the said documents cannot be given any legal consequence, inasmuch as the plaintiff has categorically denied execution of any document in favour of Smt. Shyamwati, from whom the present petitioner claims to derive his alleged title. Furthermore, it is a settled principle that the plaintiff is the master of his suit.



16. In view of the above, this Court is of the opinion that the impugned order dated 16.07.2025 (Annexure P-7) suffers from no illegality or perversity warranting interference in the present petition.

17. The present Civil Revision Petition is accordingly dismissed.

18. Pending miscellaneous application, if any, also stands disposed of.

September 19, 2025

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(AMARINDER SINGH GREWAL)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No