

2025:PHHC:049689



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

**CR-2302-2025**

**Date of Decision: April 09, 2025**

**Rohit Kumar Goyal @ Rohit**

**. . . . Petitioner**

**Vs.**

**Mohkam Singh and others**

**. . . . RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Mr. Ritesh Tomar, Advocate for the petitioner.

**DEEPAK GUPTA, J.**

By way of this petition filed under Article 227 of the Constitution of India, petitioner assails the order dated 07.01.2025 (Annexure P-14) passed by learned Civil Judge (Jr. Divn.), Patiala whereby the application under Order 1 Rule 10 CPC moved by the applicant to implead him as co-plaintiff in Civil Suit bearing CS No.1991 of 2018, titled as "***Rakesh Kumar and another v. Mohkam Singh and others***", was dismissed.

2. Civil suit in question was filed by Rakesh Kumar and Manjit Singh seeking a decree of permanent injunction regarding property in dispute against three defendants, namely, Mohkam Singh, Daler Singh and Narinder Pal Singh. The suit has been filed way back in 2018 and was at the stage of plaintiffs' evidence when the application under Order 1 Rule 10 CPC was moved in 2024. It is contended by learned counsel that suit was filed by plaintiffs – Rakesh Kumar and Manjit Singh pleading themselves to be tenants on the suit property and to be in continuous possession thereof and that during their evidence it came on record that actually applicant-Rohit Kumar and his family are in possession of the suit property and are collecting rent from various sub-tenants inducted by them.

2. Learned counsel for the petitioner contends that in the circumstances, presence of the applicant as plaintiff was necessary to adjudicate the case.

3. The application was opposed not only by the defendants to the suit, even by plaintiff No.1 by denying the possession of the suit property with the applicant – Mohit Kumar.

4. As per settled legal position, plaintiff is *dominus litis* of the case. Nobody should be permitted to join as a party to the suit against his wishes, unless the Court finds the joining of such a party to be necessary or proper for adjudication of the case. As has been rightly observed by the trial Court in the impugned order that though the suit was filed in 2018, but the applicant remained silent for about 06 years and it was observed by the trial Court that the application had been moved only to delay the adjudication of the case. The Court further found that the applicant was neither a necessary nor a proper party to the suit. The Court also recorded the satisfaction that the suit can be effectively and comprehensively adjudicated in the absence of the applicant.

5. After going through the impugned order and considering the abovesaid factual position, this Court does not find any illegality or perversity in the impugned order. In case, the applicant has any independent cause against the defendants, he may institute his own suit, which may be considered by the Court as per its own merits.

6. As such, finding the present revision petition to be devoid of any merit, the same is hereby dismissed.

**April 09, 2025**  
*Sarita*

**(DEEPAK GUPTA)**  
**JUDGE**

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No