



305

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

CR-7082-2023 (O&M)

Date of decision : 10.07.2025

Bashir Mohammad

..... Petitioner

versus

Ranjit Singh & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Amardeep Tiwana, Advocate
for the petitioner.

None for the respondents.

PANKAJ JAIN, J. (ORAL)

1 Challenge is to order dated 07.10.2023 whereby an application filed by the petitioner under Order I Rule 10 CPC seeking impleadment in the suit filed by respondents No.1, 2 & 3 against respondent No.4 stands declined.

2 Plaintiffs i.e. respondents No.1, 2 & 3 filed suit seeking decree of permanent injunction restraining defendant-respondent No.4 from interfering and ousting the plaintiffs from joint possession of the suit property and from alienating any specific portion thereof by way of sale, mortgage, exchange, lease, gift, transfer or in any other manner.

3 Petitioner who claims himself to be purchaser of part of the suit property and thus co-owner filed present application under Order 1 Rule 10 CPC seeking impleadment in the suit. The said application stands declined.



Counsel for the petitioner has assailed the order passed by the Trial Court relying upon ratio of law laid down by this Court in ***Gram Panchayat Garhi Vs. Dharambir 1998 (2) RCR Civil 98***. He submits that since the property is situated within Lal Dora, there is no sale deed executed and thus the petitioner be allowed to be arraigned as defendant being co-sharer in the suit property.

4 I have heard learned counsel for the parties and have carefully gone through records of the case.

5 The reliance placed upon ratio of law laid down in ***Gram Panchayat (supra)*** is misplaced. The said lis was between Gram Panchayat and the inhabitants and related to building which was in the shape of dharamshala and was situated in Lal Dora. It is in these circumstances that this Court held that inhabitants of Gram Panchayat, Garhi ought to be impleaded as party to the suit and they cannot be ousted invoking the principle of *dominus litus*.

6 So far as the present suit is concerned, it is a private property wherein respondents No.1 to 3-the plaintiffs are seeking injunction against the co-sharer i.e. respondent No.4. Petitioner in order to invoke Order I Rule 10 CPC has to show that he is either necessary or a proper party. In order to show the same, he is required to show that he has right, interest or title in the suit property. Admittedly there is no sale deed/document of interest in favour of the petitioner.

7 In view thereof, this Court does not find any reason to interfere with the well-reasoned order passed by the Trial Court.

CR-7082-2023 (O&M)

2025:PHHC:083244



8 Finding no merits in the present case, the revision petition is ordered to be dismissed.

9 Pending miscellaneous application, if any, also stands disposed off.

10.07.2025

Pooja Sharma-I/Dinesh

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes
/No