

**Sohan Lal Vs. Suraj Bhan**

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**SooperKanoon Citation :** [sooperkanoon.com/623882](http://sooperkanoon.com/623882)

**Court :** Punjab and Haryana

**Decided On :** May-22-1998

**Reported in :** (1998)120PLR71

**Judge :** Sat Pal, J.

**Acts :** [Code of Civil Procedure \(CPC\) , 1908](#) - Sections 115(1) and 151 - Order 1, Rule 10

**Appeal No. :** Civil Revision No. 2238 of 1998

**Appellant :** Sohan Lal

**Respondent :** Suraj Bhan

**Advocate for Pet/Ap. :** W.R. Dua, Adv.

**Disposition :** Petition dismissed

**Judgement :**  
ORDER

**Sat Pal, J.**

1. This petition has been directed against the order dated 24.3.1998 passed by Additional Civil Judge (SD) Narwana. By this order, the learned trial court has allowed the application filed by the one Parshotam Dass under order 1 Rule 10

CPC for getting himself impleaded as a co-defendant.

2. Mr. Dua, the learned counsel appearing on behalf of the petitioner-landlord submits that there was no contract whatsoever between the petitioner and said Parshotam Dass and infact the petitioner had let out this shop to defendant Suraj Bhan. He further submits that the shop in question was never let out to this Parshotam Dass. He also submits that the plaintiff was the master of the suit and applicant could not be impleaded as a party against his wishes.

3. After hearing the learned counsel of the petitioner and having perused the impugned order, I do not find any infirmity or illegality in the impugned order. From the impugned order, I find that the applicant had produced certain documents on the basis of which the learned trial court came to the prima facie conclusion that the applicant was in possession of the shop in dispute. It is true that the plaintiff is the master of his case and he can not be compelled to implead any person against his wishes but at the same time where the presence of the applicant is necessary for complete and effectual adjudication of the dispute, such a person can not be refused to become a party eventhough no relief has been sought by the plaintiff against that party. The view I have taken finds support from a judgment of the Supreme Court in Aliji Momonji and Company v. Lalji Mavji and Ors., J.T. 1996(7) S.C. 53. Accordingly, the petition is dismissed.