HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

CR No. 19/2019
CM No. 6518/2019

Rajinder Sharma   ...Petitioner(s)

Through:- Mr. M.L.Gupta, Advocate

V/s

Darbari Lal and others   ...Respondent(s)

Through:-

Coram: HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE

ORDER

1.   The petitioner in the present petition has impugned order dated 13.05.2019 passed by the learned Court below, whereby application filed by the him for his impleadment as party defendant has been dismissed.

2.   Respondent Nos. 1 and 2 filed a suit against respondent No.3 for prohibitory injunction restraining the defendant from raising/digging any type of construction or damage of the land measuring 4 marlas falling in Khasra No.345 situated at Julakha Mohalla, Jammu along with a passage measuring 4 feet, which started from the house of plaintiffs up to the main street.

3.   In the aforesaid suit, the petitioner filed application for being impleaded as party defendant on the ground that already there is another suit filed by the petitioner against respondent Nos. 1 and 2 for permanent prohibitory injunction in which the evidence is being led. The property in both the suits is same, hence, the petitioner deserves to be impleaded as one of the defendant in the suit filed by respondent Nos. 1 and 2 .Otherwise, there would be multiplicity of litigation.

4.   After hearing learned counsel for the petitioner, I do not find any merit in the submissions made. Though in the suit filed by respondent Nos. 1 and 2 specific khasra number of the property has been mentioned which is missing in the case of the suit filed by the petitioner and otherwise also no party can impose himself on plaintiff to claim that the suit should be contested against him also, as the plaintiff is *dominus litis.*

5.   For the aforesaid reasons, I do not find any reason to interfere with the order passed by the learned Court below. The present petition is, accordingly, dismissed.

(Rajesh Bindal)
Judge

Jammu.
30.08.2019
Vinod.

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No