



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

**CR-7534-2025
DECIDED ON: 27.10.2025**

PARMOD KUMAR

.....PETITIONER

VERSUS

**KIRTI, NAIB TEHSILDAR AGRARIAN JHAJJAR
AND OTHERS**

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Vaibhav Sharma, AAG, Haryana
for respondents No.1 to 5.

MANDEEP PANNU, J (ORAL)

1. The present civil revision petition has been filed by the petitioner–plaintiff Parmod Kumar under Article 227 of the Constitution of India for setting aside the impugned order dated 24.09.2025 passed by the learned Civil Judge (Junior Division), Jhajjar, in a civil suit titled “Parmod Kumar vs. Ms. Kirti, Naib Tehsildar Agrarian, Jhajjar & others”, whereby the application filed under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure, 1908, by certain persons seeking to be impleaded as defendants in the said suit, has been allowed.

2. The petitioner–plaintiff, Parmod Kumar, instituted a civil suit against the State of Haryana and its revenue officials seeking a decree of declaration to the effect that he is the owner in possession of land comprised in Khewat No. 346/326, Khatauni No. 409, Rect. No. 78, Killa Nos. 3(6-13),

4(6-3), 5(6-13), 7(8-0), 8(8-0), and 12(8-0) measuring 43 Kanal 9 Marla, situated in the revenue estate of Village Bhatara, Tehsil and District Jhajjar. The plaintiff also sought a declaration that Rapat No. 87 dated 17.10.2023 entered in the revenue record is null and void and not binding upon his rights, and further prayed for permanent injunction restraining the defendants from interfering in his peaceful possession and creating any third-party interest during the pendency of the suit. Consequential relief of mandatory injunction was also sought in case of dispossession.

3. During the pendency of the said suit, an application under Order 1 Rule 10 read with Section 151 CPC was filed by Amar Singh, seeking impleadment as a defendant in the suit on the ground that he is the lawful owner in possession of the suit property, having purchased the same from one Jagdish through a registered sale deed No. 438 dated 31.05.1990, followed by mutation No. 1718 dated 12.07.1990, and that he has been cultivating the land and growing Bajra crops therein. It was further contended by the applicant that the land in dispute was earlier declared surplus by the Government of Haryana and allotted to Jagdish vide letter No. 545 dated 30.11.1989, and after its sale to him, the mutation was duly sanctioned in his favour. The applicant claimed that the plaintiff had intentionally not impleaded him in the suit despite full knowledge of his interest in the property.

4. The plaintiff opposed the said application, submitting that the alleged sale deed and mutations were obtained fraudulently in collusion with revenue authorities, and that neither Jagdish nor Amar Singh had ever remained in possession or cultivated the disputed land. It was asserted that the land continues to vest in the State Government as surplus land, and the

alleged ownership of Amar Singh is fictitious. The plaintiff relied upon previous rounds of litigation, including CWP No. 18313 of 1995 titled Sarla Devi (mother of plaintiff) vs. State of Haryana, and COCP No. 724 of 2007, wherein, according to him, his possession over the subject land was protected by the Hon'ble Punjab & Haryana High Court.

5. After hearing learned counsel for both sides and examining the record, the learned Civil Judge (Junior Division), Jhajjar, vide detailed order dated 24.09.2025, allowed the application under Order 1 Rule 10 read with Section 151 CPC and directed the impleadment of Amar Singh as defendant in the suit.

6. The trial court observed that the applicant Amar Singh had placed on record mutation No. 1702 dated 09.06.1990 and mutation No. 1718 dated 12.07.1990, showing transfer of the suit property from the State Government to Jagdish and thereafter from Jagdish to Amar Singh. The applicant also produced the Jamabandi for the year 1996–97, in which his ownership was reflected, and drew the Court's attention to multiple litigations pending between the same parties at different forums, including proceedings before the High Court, thereby indicating his interest in the property.

7. The learned Court referred to the settled principles laid down by the Hon'ble Supreme Court in '*Kasturi vs. Iyyamperumal and others*', **2005 (1) Apex Court Judgments 640 (SC)**, observing that two conditions must be satisfied before impleadment under Order 1 Rule 10 CPC:

(i) the party sought to be added must have a direct interest in the subject matter of the suit, and

(ii) no effective decree can be passed in the absence of such a party.

8. Relying on these principles, the Court held that, given the multiplicity of litigations concerning the same property and the documentary evidence adduced by Amar Singh, his presence was necessary for complete and effective adjudication of the dispute.

9. The trial Court further held that although the plaintiff had alleged fraud in obtaining the sale deed and mutations, he had not produced any document to show that such documents had been declared null and void by any competent authority or Court of law. It was observed that the question of fraud is a mixed question of fact and law, which can only be determined after both the parties lead evidence. Therefore, at this stage, the applicant's right and interest over the property could not be ignored.

10. Consequently, the Court concluded that Amar Singh had *prima facie* satisfied the Court of his interest in the suit property and that his impleadment was necessary to avoid conflicting decisions and to ensure complete adjudication of the controversy. The application under Order 1 Rule 10 CPC was accordingly allowed, while clarifying that nothing stated in the order shall be construed as an expression of opinion on the merits of the case.

11. Feeling aggrieved by the order passed by Court below, the petitioner has approached this Court by way of the present revision petition.

12. Learned counsel for the petitioner argued that the impugned order dated 24.09.2025 passed by the learned Civil Judge (Junior Division), Jhajjar, is wholly illegal, erroneous, and unsustainable in the eyes of law. It was submitted that the trial court failed to appreciate that the petitioner is the owner in possession of the suit property, whereas the applicant Amar Singh,

who has been impleaded as defendant by the impugned order, has no concern whatsoever with the suit land and is neither a necessary nor a proper party to the proceedings. Learned counsel submitted that the impleadment has been ordered only on the ground that the sale deed dated 31.05.1990 and mutation Nos. 1702 and 1718 have not been specifically challenged by the petitioner, whereas the said documents are void ab initio and the same are not required to be challenged as they have been executed on the basis of fraud and collusion with the revenue authorities. It was argued that neither Jagdish nor Amar Singh were ever in possession or cultivation of the land in dispute, and both had played fraud upon the revenue authorities by fabricating records to secure the sale deed and mutation in their favour. Learned counsel further submitted that the findings of the departmental inquiry as well as the report of the Tehsildar Agrarian and Deputy Commissioner, Jhajjar, clearly record that Jagdish and Shish Ram were never tenants on the land in dispute, that the transfer in their names was void, and that disciplinary action had been recommended against the officials involved. It was contended that these official records conclusively establish that the sale deed dated 31.05.1990 and the corresponding mutations were the result of fraud and collusion and, therefore, confer no legal right upon the applicant Amar Singh.

13. It was also submitted that the learned Civil Judge has passed the impugned order without considering the detailed departmental inquiry and subsequent orders dated 22.08.2013 and 04.09.2013, whereby the allotment of surplus land in favour of Jagdish and Shish Ram was held to be illegal and the same was ordered to be cancelled. The petitioner's girdawari was also ordered to be corrected in his name in the revenue record. Hence, once

the competent authorities had already declared the allotment illegal, there was no occasion for the civil court to entertain a claim of Amar Singh based upon a void and fraudulent sale deed. The petitioner's counsel further argued that the learned Civil Judge misdirected himself in law by observing that the question of fraud is a mixed question of fact and law to be determined at the time of trial. It was contended that when the very basis of Amar Singh's claim stands invalidated by departmental proceedings and official findings, the trial court ought to have rejected the application for impleadment instead of permitting a fraudulent claimant to become a party.

14. It was also urged that the learned Civil Judge failed to appreciate the true scope of Order I Rule 10 CPC. The provision empowers the court to implead a party only if the person is a necessary or proper party whose presence is essential for effective adjudication. A mere assertion of ownership without any valid title does not render a person necessary party. It was argued that the petitioner, being dominus litis, is the master of his own case and is entitled to choose the parties against whom relief is sought. Since the main relief in the suit is a declaration that rapat No. 87 dated 17.10.2023 is null and void and that the petitioner's name be recorded in the girdawari, the presence of Amar Singh is not required, and the matter can be effectively adjudicated between the plaintiff and the State authorities who alone are concerned with maintaining the revenue record. It was further contended that in a similar situation in Civil Suit No. 1153 of 2024 filed by the same petitioner, the learned Civil Judge (Senior Division), Jhajjar, had dismissed an identical application under Order I Rule 10 CPC moved by certain purchasers, holding that they were not necessary parties. Therefore, the present order allowing impleadment is inconsistent, arbitrary, and based on

conjectures and surmises. The petitioner's counsel finally submitted that the impugned order is based on misreading of the evidence, non-consideration of relevant material, and misapplication of law, and hence deserves to be set aside by this Court.

15. Mr. Vaibhav Sharma, learned AAG, Haryana, appears on behalf of respondents No. 1 to 5 and accepts notice. He submits that the impugned order is well-reasoned and suffers from no illegality, and therefore, the present revision petition merits dismissal.

16. After hearing learned counsel for the parties and on perusal of the material on record, it is evident that the central issue for consideration is whether the trial court rightly exercised its discretion in allowing the application for impleadment of Amar Singh under Order I Rule 10 CPC. The settled position of law is that for impleading a person as a party under the said provision, two conditions must be satisfied: firstly, that there must be a right to some relief against such person in respect of the controversies involved in the proceedings; and secondly, that no effective decree can be passed in the absence of such person. The power under Order I Rule 10 CPC is discretionary and should be exercised sparingly but to advance the cause of complete justice and to avoid multiplicity of proceedings. Applying these principles to the present case, it is noticed that the applicant Amar Singh has placed on record certain documents such as mutation Nos. 1702 and 1718 and Jamabandi for the year 1996–97 showing transfer of the suit land from the State Government to Jagdish and thereafter to himself. He has also referred to several rounds of litigation, including writ petitions before the High Court, in which his alleged rights over the same land have been contested. These materials were sufficient to give the trial court a *prima*

facie basis to conclude that the applicant has at least an arguable interest in the subject matter of the suit and that his presence would facilitate complete adjudication of the dispute.

17. The petitioner's contention that Amar Singh's claim is founded on fraudulent documents is a matter of evidence which cannot be conclusively determined at the stage of impleadment. The trial court was justified in observing that the existence of fraud is a mixed question of fact and law to be adjudicated after both sides lead their evidence. The petitioner will have full opportunity to prove, during trial, that the sale deed and the mutations are void and fabricated. The impleadment order does not confer any legitimacy upon Amar Singh's title; it merely allows him to be heard so that the court's final decree, if passed, may bind all persons claiming interest in the property and avoid future litigation. The apprehension that the impleadment will prejudice the petitioner's rights is thus unfounded.

18. The argument that the petitioner, being dominus litis, is free to choose his defendants, cannot prevail when the relief claimed directly affects third-party rights reflected in the public records. The petitioner's suit seeks declaration of nullity of a rapat entry and correction of revenue records which may have an impact upon any person claiming interest through existing entries or documents. Therefore, the trial court's approach in ensuring that such person is heard cannot be faulted. The reliance placed by the petitioner on another case where impleadment was refused is misplaced, as the facts of that case are distinguishable and each application under Order I Rule 10 CPC has to be decided on its own merits.

19. Upon a careful consideration of the record, it is apparent that the trial court applied the correct legal test and exercised its discretion

judiciously. The order under challenge is supported by reasoning and does not suffer from any perversity, illegality, or jurisdictional error warranting interference under Article 227 of the Constitution. The trial court's decision is interlocutory in nature and does not determine any substantive rights of the parties. It has rightly been observed that allowing the application for impleadment will ensure effective adjudication of the controversy and prevent multiplicity of proceedings. The allegations of fraud and fabrication, which form the main plank of the petitioner's challenge, are matters to be determined upon evidence at trial and not at the preliminary stage of deciding whether a person should be added as party.

20. Accordingly, this Court is of the considered view that the impugned order dated 24.09.2025 passed by the learned Civil Judge (Junior Division), Jhajjar, allowing the application under Order I Rule 10 read with Section 151 CPC, is based on sound reasoning, proper appreciation of law, and does not call for interference in exercise of revisional jurisdiction. The trial court has correctly held that the applicant Amar Singh has *prima facie* shown his interest in the suit property and that his presence is necessary for complete and effective adjudication of the dispute. No error, irregularity, or illegality is found in the impugned order. Consequently, the present civil revision petition is dismissed.

21. All pending miscellaneous application(s), if any, stands disposed of.

(MANDEEP PANNU)
JUDGE

27.10.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No