



2025:DHC:7104



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 19th August, 2025*

+ CM(M) 1553/2025 & CM APPL. 50950-50951/2025

SH SUKHVIR SINGH

.....Petitioner

Through: Mr. Praveen Suri, Advocate.

versus

SH SUNIL KUMAR TANWAR AND ORS

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a suit for permanent injunction.
2. As per the prayer made in the plaint in question, plaintiffs are seeking to restrain defendant not to interfere in any manner with respect to their possession, use and occupation and not to raise any construction in the suit land situated in Khasra No.239 and Khasra No.473 measuring 81 sq. yds. situated at Village-Nangal Raya, New Delhi-110046.
3. The case is, reportedly, at the stage of plaintiff's evidence and it was at that stage that the solitary defendant moved an application seeking impleadment of concerned SDM and Tehsildar as defendants in the abovesaid suit.
4. According to defendant, their presence was essential for proper and effective adjudication of the suit and in this regard they strongly relied upon the orders passed by learned Coordinate Bench of this Court in W.P.(C) 9169/2019.



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5. Learned Trial Court has, however, dismissed the abovesaid application holding, *inter alia*, that the plaintiffs are *dominus litis* of their case and cannot be compelled to implead a person against whom they do not seek any relief.
6. The question-whether suit property is a public land or not can also be effectively answered if the officials of concerned revenue authority i.e. concerned SDM and Tehsildar are summarized as witnesses by the defendant.
7. In a given scenario, even the learned Trial Court can call said officials as “Court witnesses” in order to resolve the controversy in effective manner.
8. This Court expects that as and when the case further progresses and in case, the defendant does not choose to examine the abovesaid officials as his witnesses, the Court can exercise its power and is always at liberty to call them in order to have complete assurance with respect to the fact whether the land in question is a private land or public land.
9. With the abovesaid observations, and finding no compelling reason to interfere with the matter, the present petition is disposed of.
10. Pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 19, 2025/ss/js