

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR-7042-2019****Yogesh Kumar and others****...Appellants**

Versus

Municipal Committee, Pehowa, District Kurukshetra

...Respondents**Reserved on: 08.09.2026****Pronounced on: 09.09.2026****Pronounced fully/operative part: Fully****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Argued by: Mr. Pawan Attri, Advocate for the petitioners.

Mr. Baldev Raj Mahajan, Sr. Advocate with
Mr. Prateek Mahajan, Advocate and
Mr. Daanish Mahajan, Advocate for respondent No.1.

DEEPAK GUPTA, J.

The present revision petition has been filed by the applicants assailing the order dated 25.07.2019 (*Annexure P-4*) passed by the learned Civil Judge (Junior Division), Pehowa, whereby their applications under Order I Rule 10 CPC seeking their impleadment as plaintiffs in the pending suit have been dismissed.

2. The suit has been instituted by the existing plaintiffs in a representative capacity under Order I Rule 8 CPC against Municipal Committee, Pehowa, in respect of the suit land. The grievance in the suit relates, inter alia, to mutation No.227 entered in the year 1957 in favour of Gram Panchayat, Pehowa. The case set up by the plaintiffs is that the land in question had been left for the common purposes of the village/village community, but was never utilised for such purpose and that the land had not validly vested in the Gram Panchayat under the applicable provisions of law.

3. The applicants claim themselves to be proprietors/co-sharers in the suit land, or legal representatives of persons, who were recorded as such co-sharers.



4. Learned counsel for the petitioners contends that the applicants have an independent interest in the suit property and, therefore, ought to have been impleaded as plaintiffs so that they may protect their respective rights in the suit land. It is submitted that merely because the existing plaintiffs have instituted the suit under Order I Rule 8 CPC, the applicants cannot be denied an opportunity to participate in the proceedings.

5. The submission, at first blush, appears attractive. However, the nature and scope of a representative suit under Order I Rule 8 CPC has to be kept in view.

6. Order I Rule 8 CPC is an exception to the ordinary rule of joinder of parties. Where numerous persons have the same interest in a suit, one or more of them may, with the permission of the Court, sue on behalf of, or for the benefit of all persons so interested. The underlying object of the provision is to avoid multiplicity of proceedings while ensuring that the interest of the entire class is represented before the Court. The Hon'ble Supreme Court has repeatedly recognised that the provision is intended to facilitate adjudication, where a large number of persons have a common interest in the subject matter of the litigation.

7. At the same time, Order I Rule 8(3) CPC specifically provides that any person on whose behalf or for whose benefit the representative suit is instituted may apply to the Court to be made a party. Thus, the mere fact that the suit is representative in character does not create an absolute bar against an individual member of the represented class seeking impleadment. The question, however, is whether, in the facts of the particular case, such impleadment is warranted.

8. In the present case, the applicants do not assert an interest adverse to that of the existing plaintiffs. On the contrary, their own case is that they are proprietors/co-sharers in the same land and are interested in obtaining the same relief, which is being pursued by the existing plaintiffs. Their claim, therefore, falls within the very class of persons sought to be represented in the suit. The trial Court has specifically recorded that the



interest of the applicants is at par with that of the existing plaintiffs and is not adverse to it.

9. The implication of this aspect cannot be overlooked. A person is not required to be impleaded merely because he may have an interest in the subject matter of the suit. Under Order I Rule 10(2) CPC, the Court is required to examine whether the presence of such person is necessary or proper for effectively and completely adjudicating upon the questions involved in the suit. The power of impleadment is discretionary and is to be exercised with reference to the real controversy between the parties.

10. In the present case, the controversy is whether the land claimed to be common/proprietary land was validly mutated and vested in the Gram Panchayat and whether the existing plaintiffs, representing the class of proprietors/co-sharers, are entitled to the relief claimed in the suit. The applicants' asserted interest is identical to that of the represented class. Consequently, their individual presence is not indispensable for determination of the controversy.

11. The apprehension that the applicants would lose their respective rights merely because they have not been arrayed individually as plaintiffs is also not well founded. A decree in a duly constituted representative suit under Order I Rule 8 CPC operates for and against the persons on whose behalf or for whose benefit the suit has been instituted, subject, of course, to compliance with the requirements of the said provision. The representative character of the suit is precisely intended to ensure that persons having the same interest are bound by, and benefit from, the adjudication.

12. While considering the scheme of Order I Rule 8 CPC, it needs to be emphasised that the Explanation to the Rule makes it clear that persons may have the "same interest" even though they may not have an identical cause of action. The essential consideration is whether their interest in the subject matter is common and is capable of being adequately represented in the representative proceedings.



13. It is, therefore, not necessary that every co-sharer, or proprietor forming part of the represented class must invariably be brought on record as an individual plaintiff. Such a course would substantially defeat the very purpose of Order I Rule 8 CPC, which is designed to enable a common grievance of numerous persons to be adjudicated in one proceeding.

14. There is, however, a slight modification required in the reasoning adopted by the learned trial Court. The observation that the applicants were “not required to implead themselves” cannot be understood as laying down an absolute proposition that a person represented in a representative suit can never seek impleadment. Order I Rule 8(3) CPC expressly confers upon such a person the right to apply to be made a party. The correct conclusion is that, although the applicants were competent to seek impleadment, their applications were rightly liable to be declined in the facts of the present case because their presence was not necessary for effective adjudication and their interest was already adequately represented by the existing plaintiffs.

15. The applicants have also been given liberty by the trial Court to appear as witnesses in the proceedings. This further safeguards their ability to place relevant material before the Court, without converting a representative proceeding into a multiplicity of individual claims.

16. This Court, while exercising revisional jurisdiction, is not required to substitute its own view merely because another view may also be possible. Unless the impugned order suffers from jurisdictional error, material irregularity, perversity or failure to exercise jurisdiction vested in the Court, interference in revision is not warranted. The order under challenge, when examined in the above perspective, does not suffer from any such infirmity.

17. It may be clarified that nothing observed herein shall prejudice the applicants' substantive rights, if any, in the suit property. Their rights shall abide by the ultimate adjudication in the representative proceedings and the legal consequences flowing from a decree passed therein.



18. For the foregoing reasons, no ground for interference is made out. The present revision petition is, accordingly, dismissed. Pending miscellaneous application(s), if any, shall also stand disposed of.

09.09.2026

Yogesh

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No

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