

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

(115)

CR No.4858 of 2015

Decided on: August 04, 2015.

Rajesh Kumar

.... Petitioner

Versus

Surender Kumar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Ajay Kumar Gupta, Advocate,
for the petitioner.

M.M.S. BEDI, J (ORAL)

This is revision petition against order dated 11.05.2015, allowing an application under Order 1 Rule 10 CPC filed by respondents No.2 and 3 claiming to be wife and real brother of defendant No.1, who as per the report of the process serving agency had left the house and his whereabouts are not known.

Learned counsel for the petitioner has vehemently contended that the plaintiff is dominus-litis of his case and he cannot be compelled to fight the case against any person(s) by forcibly impleading them in a case.

I have heard learned counsel for the petitioner and carefully gone through the facts and circumstances of the case.

Added defendants, claiming to have a right, title and interest in the property had sought their impleadment in the circumstances when defendant No.1 has neither been served nor his whereabouts are known.

Contention of learned counsel for the petitioner is that he is intentionally concealing cannot be appreciated at this stage. In case an ex

parte decree is obtained by the plaintiff-petitioner against defendant No.1, the added defendants-respondents claiming themselves to be in possession of the property, would be entitled to object the ex parte decree.

Without expression of any opinion whether defendant No.1 is intentionally concealing or as a matter of fact his whereabouts are not known, I am of the considered opinion that presence of defendants No. 2 and 3 is necessary for the just decision of the case and to finally adjudicate upon the rights of the parties to curtail the unnecessary further litigation. The impleadment of respondents No. 2 and 3 as defendants appears to be in consonance with the provisions of Order 1 Rule 10 (2) CPC as the added defendants appear to be necessary in order to enable the Court to factually and completely adjudicate upon and settle all the questions involved in the suit.

Dismissed.

(M.M.S. BEDI)
JUDGE

August 04, 2015
harsha