

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

CR No. 4881 of 2015 (O&M)

Date of decision : 5.8.2015

Mrs. Manishwar Kaur

.. Petitioner

versus

Vipin Batra

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Yadvinder Singh Turka, Advocate, for the petitioner.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 19.5.2015 passed by the learned Court below whereby the application filed by the respondent/plaintiff under Order I Rule 10 CPC for impleading firm M/s Northern Coir as defendant in the suit, dissolution of which was prayed for, was allowed.

Learned counsel for the petitioner submitted that M/s Northern Coir, in fact, had already been dissolved in the year 2006. The suit was filed in the year 2009, hence, there was no question of impleading the same as party in the suit.

However, I do not find any merit in the submissions made. A perusal of the impugned order shows that the petitioner earlier filed application under Order VII Rule 11 CPC seeking rejection of the plaint on the ground that M/s Northern Coir has not been impleaded as party to the suit. It was thereafter that the respondent/plaintiff filed the application for impleading M/s Northern Coir as defendant in the suit.

Considering the aforesaid facts, in my opinion, the petitioner cannot be permitted to blow hot and cold at the same breath. There is no error in the order passed by the learned Court below. The present petition is accordingly dismissed.

5.8.2015

vs

(Rajesh Bindal)
Judge