

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 6678 of 2014 (O&M)
Date of Decision: 13.07.2015.

Gurpreet Kaur and others

.....Petitioner

Versus

Inder Mohan Mehra and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Gurdeep Singh, Advocate
for the petitioners.

Mr. Anil Chawla, Advocate
for respondent No. 1.

None for respondent No. 2.

SABINA, J.

Petitioners have filed this petition under Article 227 of Constitution of India challenging the order dated 12.6.2014 (Annexure P-5).

Learned counsel for the petitioners has submitted that vide the impugned order, two applications were disposed of by respondent No. 2. One application had been moved by respondent No. 1 for setting aside the *ex parte* order dated 30.8.2013 and the second application had been filed by respondent No. 1 for impleading the insurance company as a party. However, respondent No. 2 while allowing both the applications vide the impugned order had made no reference to the application under Order 9 Rule 13 of the Code of Civil Procedure, 1908 ('CPC' for short).

Learned counsel for respondent No. 1, on the other

hand, has submitted that the insurance company was a necessary party and the absence of respondent No. 1 before respondent No. 2 was not intentional.

A perusal of the impugned order reveals that while disposing of the applications moved by respondent No. 1, the respondent No. 2 has ordered that the insurance company was liable to be impleaded as a party being a necessary party. However, no reference has been made to the application moved by respondent No. 1 for setting aside the *ex parte* order dated 30.8.2013.

Accordingly, this petition is allowed. Impugned order dated 12.6.2014 (Annexure P-5) is set aside. Respondent No. 2 is directed to pass a fresh order, in accordance with law.

**(SABINA)
JUDGE**

July 13, 2015
Gurpreet