

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

**CR No.8464 of 2015
Date of decision: 11.12.2015**

Mohan Singh

....Petitioner

Versus

Kirpal Kaur and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

RITU BAHRI J. (Oral)

The petitioner has come up in revision for setting-aside the order dated 06.11.2015 (Anneuxre P-1) vide which the application filed by respondent No.1/plaintiff under Order 1 Rule 10 CPC has been allowed.

A perusal of the impugned order shows that vide order dated 21.03.2014, this Court had given permission to the plaintiff to amend his plaint by amending his pleadings and to introduced the factum of alienation of the suit land by defendants No.1 to 3 in favour of the persons to whom he sought to be impleaded as defendants. Moreover, on 22.01.2015, it is further observed that a new counsel has put in appearance on behalf of the plaintiff, when the case was fixed for rebuttal evidence and arguments. The

defendants in the written statement had admitted the factum of the aforesaid vendees being necessary parties.

Even though, the application under Order 1 Rule 10 CPC could have been filed immediately after 21.03.2014, the fact that it will amount to *de novo* trial. Even in 2014, the delay in filing the application would not be a good ground to dismiss the application as the impleadment of the aforesaid parties would avoid multiplicity of litigation between the parties to the suit.

No ground for interference is made out.

Dismissed.

(RITU BAHRI)
JUDGE

11.12.2015

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