

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

**CR No.8682 of 2015 (O&M)**

**Date of decision: 21.12.2015**

**Radhe Mohan**

**...Petitioner**

**versus**

**Arun Aggarwal and others**

**...Respondents**

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Navkesh Singh Goraya, Advocate,  
for the petitioner.

**\*\*\*\***

**RITU BAHRI, J.**

Challenge in this petition is to the order dated 03.11.2015 (Annexure P-5) passed by the Civil Judge (Junior Division), Ludhiana, whereby application filed by plaintiff-respondent No.1 for impleading Rajinderpal Gupta as plaintiff No.2, has been allowed.

Arun Aggarwal-plaintiff has filed a suit for Mandatory Injunction directing the defendants to vacate and hand over vacant possession of property in dispute. In the plaint, the plaintiff has mentioned that his father Yash Pal Aggarwal was one of the partners of M/s Kishore Hosiery Factory, Ludhiana and after his death on 15.01.2004, the plaintiff being one of his Class-I legal heirs, had stepped into the shoes of his father. It has been further mentioned that during his lifetime, father of the plaintiff and other co-sharers/partners had requested defendants to vacate the said property and hand over vacant possession. In the application (Annexure P-3), it has been mentioned that Rajinderpal Gupta son of late Shri Ramji Dass is also one of the partners of M/s Kishore Hosiery Factory.

Perusal of the impugned order shows that no specific reply has

been filed by the defendants with regard to the fact that Rajinderpal Gupta is partner in the factory or not. The objection raised by the defendant-petitioner was that Form 'A' and 'C' have not been placed on record to show that Rajinderpal Gupta is actually one of the partners of the firm.

After going through the impugned order, this Court is of the view that application for impleading Rajinderpal Gupta has been rightly allowed by the trial Court in order to avoid multiplicity of litigation, as in the plaint, specific reference has been made to another partner who had asked the defendants to vacate the property.

No ground is made out to interfere in the impugned order.

Dismissed.

**(RITU BAHRI)**  
**JUDGE**

21.12.2015  
ajp