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

CR-2878-2015

Date of decision : 19.01.2016

State Bank of Travancore

...Petitioner

Versus

M/s Climax Overseas (P) Ltd. And others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vikas Chatrath, Advocate
for the petitioner.

Mr. G.S. Bhatia, Advocate
for respondent No.1.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

AMIT RAWAL, J. (ORAL)

The petitioner-State Bank of Travancore is aggrieved of the order, whereby the application seeking impleadment by invoking the provisions of Order 1 Rule 3 read with Rule 10 of the Code of Civil Procedure in a suit for permanent and mandatory injunction filed by respondent No.1-plaintiff against defendant No.2, has been dismissed.

Mr. Vikas Chatrath, learned counsel appearing on behalf of the petitioner submits that the Punjab National Bank could not be enjoined for the payment of the goods supplied by defendant No.2 to plaintiff as the payment had credited in the account of the Rubber Linkers India who is having an account with the petitioner-Bank, therefore, the impleadment of the bank is essential and necessary for the adjudication of the *lis*.

Mr. G.S. Bhatia, learned counsel appearing for respondent No.1 submits that the simpliciter suit is for permanent and mandatory injunction. No recovery of the payment of goods have been sought. In fact, the goods supplied by defendant No.2 are not required by the plaintiff and in this regard, the injunction was sought because the same were of some inferior quality. The factum of lifting of the goods has been admitted by defendant No.2 in the written statement.

I have heard the learned counsel for the parties and appraised the paper-book.

Shorn of the facts as noticed above, I am of the view that the impleadment of the bank is not essential and necessary, as the simpliciter suit is for permanent and mandatory injunction. Once, defendant No.2 has admitted the factum of lifting the goods, the role of the bank would be immaterial, even if, the Punjab National Bank has been proceeded ex parte. Probably for the reasons, no rights of the bank have been effected. In my view, the petitioner has no locus standi.

Keeping in view the aforementioned facts, I do not intend to differ with the findings rendered by the trial Court in dismissing the application.

Accordingly, the revision petition is dismissed.

19.01.2016
yogesh

(AMIT RAWAL)
JUDGE