

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3374 of 2016

Date of Decision: 12.05.2016

Shallie Mahajan

... Petitioner(s)

Versus

Arun Mahajan and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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| 1. | Whether reporters of local newspapers may be allowed to see judgment? | Yes |
| 2 | To be referred to reporters or not? | |
| 3 | Whether the judgment should be reported in the Digest? | Yes |

Present: Mr. Vivek Khatri, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition under Article 227 of the Constitution of India for setting aside order dated 16.4.2016, passed by learned Additional District Judge, Chandigarh, whereby application under Order 1 Rule 10 CPC read with Section 151 CPC for impleadment of applicant/petitioner-Shallie Mahajan as party to the proceedings under Order 9 Rule 13 CPC, was dismissed.

Learned counsel for the petitioner submitted that present petitioner is necessary and proper party to be impleaded in the proceedings in the application under Order 9 Rule 13 CPC, filed by

respondent No.2-Vidhi Mahajan alias Ria Mahajan. But the Court below has completely ignored the fact that the petitioner is a necessary party. The said application was filed by respondent No.2-Vidhi Mahajan alias Ria Mahajan when she came to know about solemnization of present petitioner with respondent No.1-Arun Mahajan and just to harass the petitioner and to disturb the newly wedded wife of the petitioner, application under order 9 Rule 13 CPC was filed for setting aside *ex parte* judgment & decree dated 30.3.2011. That way, petitioner is aggrieved, necessary, proper and effective party and outcome of the application under Order 9 Rule 13 CPC shall effect the rights and status of the petitioner. But the Court below dismissed the application without any justified reasons and prayed that the impugned order be set aside.

Having considered the submissions made by learned counsel for the petitioner and perusal of the record of the case, this Court is of the considered view that the Court below has already considered this aspect and rightly decided the controversy that petitioner being second wife of respondent No.1-Arun Mahajan is not a necessary party for the purpose of decision of the application under Order 9 Rule 13 CPC. The Court below has also rightly observed that rights and status of the petitioner may be in dispute in the main petition, but her rights and status is not likely to have any direct bearing on the decision of the application under Order 9 Rule 13 CPC. On that ground prayer for impleadment of petitioner as party to the proceedings under Order 9 Rule 13 CPC was rightly declined.

Resultantly, present petition is without any merit and the same stands dismissed, *in limine*.

(Shekher Dhawan)
Judge

May 12, 2016
"DK"