

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 3565 of 2016

Date of Decision: 23.05.2016

Rajender Singh

... Petitioner(s)

Versus

Suveta Gupta

... 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. Naveen Batra, Advocate
for the petitioner(s).

Shekher Dhawan, J.

Present petition under Article 227 of the Constitution of India for setting aside the order dated 5.4.2016, passed by learned Civil Judge (Junior Division), Hoshiarpur, whereby application, filed by plaintiffs for impleadment of Akash Jain as one of the defendants, was declined.

Learned counsel for the petitioner/plaintiff No.1 submitted that the Court below has not applied its mind to the relevant facts of the case because Akash Jain is a necessary and a proper party and should have been impleaded as a defendant but the Court below has dismissed the application vide impugned order and prayed that the same be set aside.

the petitioner and appraisal of the record of the case, this Court is of the considered view that the Court below has rightly taken the view that Akash Jain is neither a necessary party nor a proper party and at the best he can be a relevant person who could be examined as a witness. On this point, the Court below has rightly placed reliance upon the judgment rendered by the Hon'ble Apex Court in ***Ramesh Heera Chand v. Municipal Corporation of Greater Bombay 1992(2) SCC 524***, wherein a view was taken that merely because a party has an interest in the correct solution in the some questions involved does not make him a necessary party. The Court is to see whether such a party should be bound by the result of the suit and the main litigation cannot be decided without making him a party. Undisputedly, Jain Trading Company, Hoshiarpur does not appear to be a necessary party fulfilling these requirements and the Court below has rightly dismissed the application.

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

(Shekher Dhawan)
Judge

May 23, 2016
“DK”