

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

-.-

CR 4181 of 2016
Date of decision: 08.07.2016

Ashok Khajuria

..... Petitioner

Versus

Mohan Singh and others

..... Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Gagandeep Singh Sirphikhi, Advocate
for the petitioner

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

Rekha Mittal, J. (Oral)

The present petition has been directed against the order dated 19.01.2016 (Annexure P-5) passed by the Civil Judge (Junior Division) Batala whereby application filed by the respondents/plaintiff under Order 6 Rule 17, 1 Rule 10 and Section 151 of the Code of Civil Procedure (in short, 'CPC') has been allowed.

The sole submission made by counsel for the petitioner is that as the present application was a joint application under Order 1 Rule 10 and 6 Rule 17 CPC, the same is liable to be dismissed being not maintainable.

In support of his contention, he has referred to judgment of this Court

Nirmal Singh and others v. Tarsem Singh and others 2015(2) RCR (Civil)

679.

I have heard counsel for the petitioner, perused the paper book and find that the petition sans merit and deserves to be dismissed.

Be that as it may, in the head note of the application, there is reference to order 6 Rule 17 CPC as well but as a matter of fact the application was filed only for impleading Jammu and Kashmir Bank Limited, Batala Branch through its Branch Manager as Defendant No. 4 and M/s Abhi Palace (Dhaba), Jalandhar Road, Near Guru Nanak Dev Academy, Batala through its sole proprietor S Mohan Singh son of S Lal Singh as plaintiff No. 2. As the respondents/plaintiff only sought addition of parties on the array of defendant and plaintiff respectively, a mere reference to Order 6 Rule 17 CPC, in the circumstances, would not render the application non-maintainable by relying upon judgment of this Court in Nirmal Singh's case (supra).

No other point has been raised.

In view of what has been discussed here-in-above, the petition fails and is accordingly dismissed.

(Rekha Mittal)
Judge

08.07.2016
mohan bimbura