

In the High Court of Punjab and Haryana, at Chandigarh

Civil Revision No. 6689 of 2014

Date of Decision: 01.02.2016

Om Parkash Saini

... Petitioner(s)

Versus

Badam Singh Saini and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

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

Present: Mr. Anil Shukla, Advocate
for the petitioner.

Mr. Rajiv Sharma, Advocate
for respondent No.1.

Shekher Dhawan, J.

Present petition is challenge to the order dated 9.1.2014, whereby applications under Order 1 Rule 10 CPC for impleadment of Sheela Devi and Bimla Devi, sisters of defendant-Badam Singh, filed by plaintiff and another for impleadment of Shivraj Nagar and Smt. Krishna Devi, filed by defendant-Badam Singh, were allowed.

Learned counsel for the petitioner submitted that it was mentioned in the application that Sheela Devi and Bimla Devi are real sisters of defendant-Badam Singh and daughters of Kishan Singh. A plot measuring 150 square yards was sold out by father of plaintiff to Shivraj

Nagar, who further sold it to Smt. Krishna Devi. Learned counsel for the petitioner submitted that it has come on the file that Shivraj Nagar had further sold the plot to Smt. Krishna Devi and as such he is not the essential party as he has no interest or title in the suit property. However, the Court below has not considered these aspects while passing the said order and petition be accepted and impugned order, qua impleadment of Shivraj Nagar as party to the litigation, be set aside.

Learned counsel for the respondents submitted that as the sale was conducted by Shivraj Nagar in favour of Smt. Krishna Devi, therefore, both of them are necessary parties and there is absolutely no illegality in the order under challenge and present petition be dismissed.

Having considered the submissions made by learned counsel for both the parties, this Court is of the considered view that as per perusal of Order 1 Rule 10 CPC, there is no scope of ambiguity that party can make an application for impleadment of other person as party to the litigation, if the same is necessary party.

Admittedly, in this case, the suit property was sold by Shivraj Nagar to Smt. Krishna Devi. The Court has rightly formed an opinion that Shivraj Nagar and Smt. Krishna Devi are necessary parties for decision of the litigation. The necessary party is one without whom no order can effectively be made. That way, to decide the controversy and to avoid any further litigation, it is essential that both Shivraj Nagar and Smt. Krishna Devi should be impleaded as parties and the Court below has rightly exercised its discretion. Such judicial discretion has

been exercised on the available facts and circumstances of the case.

There is no ground to set aside the order under challenge and present petition, being devoid of any merit, stands dismissed.

(Shekher Dhawan)
Judge

February 1, 2016

"DK"