

232

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

CWP-24503-2014

Date of decision: 22.01.2016

Ishwar Chand and others

..... Petitioners

VERSUS

Presiding Officer, Rohtak and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rahul Sharma-I, Advocate
for the petitioners.

Mr. Sandeep Singla, Advocate
for respondent No.2.

SABINA, J.

Petitioners have filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari for quashing the order dated 16.09.2014 (Annexure P-9).

Learned counsel for the petitioners has submitted that the petitioners were members of Rohtak Wholesale Cloth Merchants Association (bearing Registration No.310 of 1976). On a complaint moved by the petitioners against respondent No.2, the registration of Rohtak Wholesale Cloth Merchants Association was cancelled by respondent No.3. Respondent No.2 has preferred an appeal against the order dated

27.11.2013 before respondent No.1. Petitioners moved an application before respondent No.1 for impleading them as a party in the appeal to enable them to defend the case. However, respondent No.1 has erred in dismissing the application moved by the petitioners vide the impugned order.

Learned counsel for respondent No.2 has submitted that the petitioners were not necessary party in appeal. Respondent No.2 has filed the statutory appeal against the order dated 27.11.2013.

In the present case admittedly on a compliant moved by the petitioners (Annexure P-1), the order dated 27.11.2013 (Annexure P-2) was passed and the registration number of the Union, bearing No.310 of 1976, was cancelled. Aggrieved against the said order, respondent No.2 had preferred an appeal before respondent No.1. Since the order Annexure P-2 was passed on a complaint filed by the petitioners, it would be in the interest of justice to allow the petitioners to be impleaded as a party in an appeal filed by respondent No.2, so that they can also defend their case. Learned Presiding Officer fell in error while dismissing the application moved by the petitioners for allowing them to be impleaded as a party in appeal filed by respondent No.2. In case petitioners are permitted to be impleaded as respondents in the appeal filed by respondent No.2, it would enable respondent No.1 to dispose the lis between the parties in a more effective and just manner.

Accordingly, this petition is allowed. Impugned order dated 16.09.2014 (Annexure P-9) is set aside. Consequently, application moved by the petitioners Annexure P-7 for impleading them as respondents No.4 to 6 in appeal filed by respondent No.2 is allowed.

January 22, 2016
Ramandeep Singh

**(SABINA)
JUDGE**