

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

CR No.3106 of 2017.

Date of Decision: 02.05.2017.

Jatinder Pal Singh

....Petitioner.

VERSUS

Satwinder Kaur and another

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Amit Chaudhary, Advocate for the petitioner.

SNEH PRASHAR, J.

The instant revision petition has been filed assailing the order dated 03.03.2017 passed by learned Family Court allowing the application under Order I Rule 10 read with Section 151 of the Civil Procedure Code (for short, 'the Code') filed by the respondent-wife Satwinder Kaur for impleading Harpreet Kaur, stated to be the second wife of petitioner Jatinder Pal Singh as necessary party to the petition under Section 13 of the Hindu Marriage Act, 1955 (for short, 'the Act of 1955') by the petitioner.

The submissions made by Mr. Amit Chaudhary, learned counsel representing the petitioner have been considered.

Learned counsel for the petitioner argued that the petitioner is the master of his case and cannot be compelled to implead any person as party to the petition who was not known to him and he had also not claimed any relief against that person. Learned counsel contended that the allegation of the respondent that the petitioner has contracted second marriage is false

and baseless and the lady named by the respondent is not a necessary party to the petition.

Order I Rule 10(2) of the Code postulates that the Court may at any stage of the proceedings, on the application filed by either of the parties or without application and on such terms as may appear to be just, order that the name of any party improperly joined whether as plaintiff or defendant be struck out. The provision also enables the Court to add any person as party at any stage of the proceedings if presence of that person before the Court is necessary to effectively and completely adjudicate upon all the questions involved in the suit. Avoidance of multiplicity of proceedings is one of the object of the said provision.

In the case in hand, the respondent filed an application for impleading Harpreet Kaur as party to the petition filed by the petitioner under Section 13 of the Act of 1955 for dissolution of his marriage with the respondent and contesting the petition, in her written statement, the respondent pleaded that the petitioner is trying to take benefit of his own wrongs because during subsistence of his marriage with her, he has illegally entered into second marriage with Harpreet Kaur, with whom he is residing at Amrawati Enclave, Pinjore (Haryana). Learned trial court noticed that a criminal complaint under Sections 494, 420, 506 and 120-B of the Indian Penal Code has also been filed by the respondent in which Judicial Magistrate Ist Class, Dera Bassi had summoned the petitioner and Harpreet Kaur. In said circumstances, presence of Harpreet Kaur before the Court in petition under Section 13 of the Act of 1955 filed by the petitioner would be necessary in order to enable the Court to effectively and completely adjudicate upon and settle all the questions involved in the petition.

There being no illegality, perversity or jurisdictional error warranting interference in the order of learned trial Court, the petition is hereby dismissed.

(SNEH PRASHAR)
JUDGE

02.05.2017.
jitender sharma

Whether speaking/ reasoned : **Yes/ No**

Whether Reportable : **Yes/ No**