

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

CR No.4146 of 2017

Date of decision: 03.07.2017

The Silver Oaks Condominium Association (SOCA)

...Petitioner

Versus

I.M. Taneja and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Pooja Aggarwal, Advocate,
for Mr. Gurmandeep Singh Sullar,
for the petitioner.

Ritu Bahri, J.

This petition has been filed for setting aside the order dated 24.04.2017 (Annexure P-18) passed by the Civil Judge (Junior Division), Gurgaon, whereby application filed by defendant-petitioner under order 1 Rule 10 CPC for impleading Ashish Kumar Taneja as defendant, has been dismissed.

I.M. Taneja, plaintiff-respondent No.1 is father of Ashish Kumar Taneja and is residing in one of the apartments in petitioner-society. He has filed the present suit for restraining the defendant-society (petitioner herein from disconnecting the power backup in respect of Apartment No.120/003. During the pendency of civil suit, defendant-petitioner No.1 filed an application under Order 1 Rule 10 CPC for impleading Ashish Kumar Taneja (owner) as plaintiff in the said suit, which has been dismissed vide impugned order dated 24.04.2017.

On perusal of the impugned order, this Court is of the view that the application has been rightly dismissed by observing that the plaintiff was the master of the suit and he cannot be forced to implead his son as necessary party. Moreover, learned counsel for the petitioner has further informed that the trial is at the stage of recording of evidence.

At this stage, no ground is made out to implead Ashish Kumar Taneja (son of respondent No.1) as party to the suit.

Resultantly, finding no merits, this petition is dismissed.

03.07.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No