

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

Civil Revision No.4639 of 2017

Date of Decision: 19.07.2017

Smt. Ambika Parmar

. . . Petitioner

Versus

Samay Singh and another

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Rajesh Lamba, Advocate  
for the petitioner.

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**Anil Kshetarpal, J. (Oral)**

Plaintiff is the petitioner against the order passed by learned First Appellate Court dated 6th April, 2017 (Annexure P-5). The said order reads as under :-

*“Today, the case is fixed for submitting report of local commission appointed by this court. Sh. Daya Chand, Halqua Kanungo assisted by Sh. Ashok Kumar Halqua Patwari are present and have stated that the suit property where demarcation was to be carried out has been acquired by the State of Haryana for Haryana Urban Development Authority as per their Revenue record. Under these circumstances, new facts have come on the file, so appellants is directed to implead the State as well as HUDA as parties in this case.*

Civil Revision No.4639 of 2017

*Now, case is adjourned to 17.04.2017 for filing amended title, which shall be filed within a week and thereafter notice to state as well as HUDA be issued for the said date.”*

Petitioner-plaintiff has filed the revision petition challenging the aforesaid order dated 06.04.2017 (P-5). The learned Court has directed the appellant to implead the State of Haryana as well as Haryana Urban Development Authority as parties to the present litigation as separate statement made by Halqua Kanungo assisted by Halqua Patwari, the suit property, wherein demarcation was ordered to be carried out stands already acquired by the State of Haryana for Haryana Urban Development Authority.

Learned counsel for the petitioner has vehemently submitted that it is the prerogative of the plaintiff to implead or not to be a party. The learned Court cannot direct to implead any one as party. He has further submitted this would further prolong the litigation and also submitted that the Court would be travelling beyond the scope of the suit as filed by the plaintiff and contested by the defendant.

Order 1 Rule 10 Sub Rule 2 of the CPC gives ample power to the Court at any stage of the proceedings to add a necessary party without application of a party. Order 1 Rule 10 Sub Rule 2, CPC is extracted as under:-

*“Court may stirke out or add parties.—The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the*

Civil Revision No.4639 of 2017

*name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name, of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.”*

In the present case learned Addl. District Judge, Gurugram came to know on the basis of the statement made by local Revenue officials that the land has been acquired and the plaintiff is litigating without impleading the State of Haryana or HUDA as a party.

The plaintiff has filed a suit for possession. In this situation, there is no error in the order passed by learned Addl. District Judge, Gurugram. The order dated 06.04.2017 (Annexure P-5) has been passed in the interest of justice and to completely adjudicate upon the entire case.

Finding no error, the present revision petition stands dismissed.

**[ ANIL KSHETARPAL ]**  
**JUDGE**

19.07.2017  
*Sachin/seema*

|                           |   |     |
|---------------------------|---|-----|
| Whether Speaking/reasoned | : | Yes |
| Whether Reportable        | : | Yes |