

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

CR-4761-2014 (O&M)

Date of decision: January 31, 2017

Munni Devi

...Petitioner

Versus

Sushila and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. H.M. Sahu, Advocate for
Mr. Jitender Nara, Advocate
for the petitioner.

Mr. D.K. Tuteja, Advocate
for respondent No.6.

JASPAL SINGH, J.(ORAL)

By virtue of the instant civil revision petition preferred under Article 227 of Constitution of India, petitioner has sought setting aside the order dated 28th May, 2014 passed by Civil Judge (Senior Division), Rohtak vide which an application under Order 1, Rule 10 CPC read with Section 151 C.P.C. moved by the petitioner i.e. Deep Education Society to implead it as party in the application under Order 9, Rule 13 CPC for setting aside *ex parte* decree dated 20th March, 2006.

At the very outset of the arguments, it has been pointed out by learned counsel for respondent No.6 that application under Order 9, Rule 13 CPC has already been allowed. Consequently, judgment and decree dated 20th March, 2006 has been *set aside* and the proceedings in the suit have already started. Application under Order 9, Rule 13 CPC filed by respondent No.6 was allowed only for disposal of the application moved under Order 9, Rule 13 CPC. Since the application under Order 9, Rule 13 CPC has already been finally disposed of, instant petition has rendered

infructuous. Accordingly, the same is dismissed. However, respondent No.6 shall be at liberty to file an application before the trial Court to be impleaded as a party to the suit which will be disposed of by the trial Court in accordance with law, after hearing both the parties.

January 31, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No