

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

Civil Revision No.8177 of 2016
Date of decision: February 27, 2017

Jagdish Kumar

...Appellant

Versus

Subhash Chander

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Ms. Monika Jalota, Advocate for the petitioner.
None for the respondent.

Rajan Gupta, J.(oral)

This order shall dispose of two revision petitions i.e. CR-8177 of 2016 and CR-8536 of 2016, preferred by petitioner Jagdish Kumar against the order dated 19.10.2016, passed by the court below.

It has been urged before the court that it became necessary to implead Ashok Kumar as a party to the civil suit as the defendant exchanged the property in question with him during the pendency of the suit. Due to this reason, one application for impleadment of Ashok Kumar and another for amendment of plaint, were moved before the court. According to counsel both applications have been rejected by short and cryptic order.

Respondent remains unrepresented despite service.

After hearing counsel for the petitioner, I am of the considered view that order under challenge is unsustainable. As the plaintiff/petitioner

clearly alleged that defendant Subhash Chander had exchanged the property, which was subject matter of the suit with Ashok Kumar, both the applications were necessitated. Applications are stated to have been moved at the stage when plaintiff's evidence was going on. In my considered view, no prejudice would be caused to the defendant in case petitioner is allowed to implead Ashok Kumar as defendant in the suit and amend the pleadings accordingly.

Under the circumstances, present revision petitions are allowed.
Impugned order is hereby set-aside.

(RAJAN GUPTA)
JUDGE

February 27, 2017
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No