

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

Civil Revision No.800 of 2017
Date of decision: April 03, 2016

Mohit Mehta

...Petitioner

Versus

Parveen Rani

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. N.S. Dadwal, Advocate for the petitioner.

Rajan Gupta, J.

Present revision petition is directed against the order dated 14.12.2016, passed by the trial court, whereby application for impleadment under Order 1 Rule 10 CPC has been rejected.

Plaintiff filed a recovery suit against the defendant. In the written statement, defendant took the stand that the amount in question belonged to one Sunney Arora and had been transferred in the account of his wife namely, Babina on the asking of Sunney Arora. Thus, plaintiff was not entitled to the amount. Due to this stand taken by the defendant, plaintiff moved an application for impleading aforesaid persons as parties to the suit. The trial court rejected the plea observing that suit was for recovery simplicitor. Thus, other parties were not necessary.

I find no infirmity with the order. In a recovery suit ancillary issues cannot be decided. It is only to be seen whether presence of a

particular party is necessary to enable it to effectually and completely to adjudicate upon the issue. The revision petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

April 03, 2016
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No