

HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CIVIL REVISION PETITION No.3675 of 2018

ORDER : (Oral)

Vide the present petition, petitioner has challenged the order dated 24th March 2018, passed in I.A.No.558 of 2017 in C.S.No.45 of 2016, whereby, the application filed by the petitioner has been dismissed with the following observations :

“On perusal of record petitioner prayed for adding of parties that is R10 to R12 as D10 to D12 and also for adding of proposed schedules. Two prayers are included in one petition. Even if taken as both the prayers are for addition and comes under Order 1 Rule 10 CPC, on keen perusal of the cause of action for both the prayers are also different which needs to be adjudicated separately. This court opines that this petition suffers from material irregularity and inclined to dismiss this petition.”

2. A perusal of the impugned order shows that the learned trial Court has observed that the prayer of the petitioner is for adding of parties i.e. R10 to R12 as D10 to D12 and also for adding of proposed schedules. Thus, two prayers are included in one petition.

3. I further note that the application is rightly rejected on technical ground, however, not on merits.

4. In view of the submission of learned counsel for petitioner, I hereby grant liberty to the petitioner to file two separate applications for the aforesaid reliefs. On filing such applications,

the trial Court shall decide the same on merits after giving opportunity to both sides.

5. The revision petition is accordingly disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SURESH KUMAR KAIT, J

6th July 2018

ajr

