

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

206

Civil Revision No.1050 of 2016

Date of Decision: November 27, 2018

Jhanda Ram deceased through his LRs

.....Petitioner(s)

versus

Manohari Devi and others

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. P.S. Jammu, Advocate for the petitioner(s).

Mr. B.S. Mittal, Advocate
for the respondent.

Amit Rawal J. (Oral)

The present petition is directed against the order whereby application of petitioners for transposing defendant No.6 as co-plaintiff has been dismissed.

Mr. P.S. Jammu, learned counsel appearing on behalf of the petitioner in support of this application relied upon Order 23 Rule 1A of Code of Civil Procedure to contend that dismissal of the application in the absence of consideration of law is not justified.

Learned counsel appearing on behalf of respondents No. 1 to 3 submitted that defendant No.6 has also set up counter claim against plaintiff, which was dismissed being not maintainable thus in these circumstances cannot be permitted to be transposed as plaintiff.

I have heard learned counsel for the parties and of the view that there is no force and merit in the submission of Mr. P.S. Jammu, Advocate as provisions referred above apply in situation where a suit is withdrawn or abandoned by a plaintiff.

This is not the situation in the present case. If at all there is any grievance, the plaintiff has remedy of independent suit and cannot be transposed in the mode and manner as sought. I do not find any illegality and perversity in the order. No ground for interference has been made out.

Accordingly, the Revision Petition stands dismissed.

November 27, 2018
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[AMIT RAWAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No