

In the High Court of Punjab and Haryana at Chandigarh

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Civil Revision No.3093 of 2018

.....

Date of decision:9.5.2018

Ram Bilas Singh

.....Petitioner

v.

Salil Malhotra

.....Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Neha Sonawane, Advocate for the petitioner.

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Inderjit Singh, J.

Ram Bilas Singh-petitioner/plaintiff has filed this civil revision petition against Salil Malhotra-respondent/defendant under Article 227 of the Constitution of India for setting aside the impugned order dated 17.4.2018 (Annexure-P.1) passed by the learned Civil Judge (Junior Division), Ludhiana, whereby applications filed by the petitioner under Order 1 Rule 10 CPC and under Order 6 Rule 17 CPC have been dismissed.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that the present petitioner/plaintiff filed application under Order 1 Rule 10 CPC for impleading State Bank of Bikaner & Jaipur, earlier Branch of Dholewal, Ludhiana, now merged with

SBI Branch SAM Branch, Fountain Chowk, Ludhiana through its Branch Manager, being proper and necessary party, as defendant No.2 and second application under Order 6 Rule 17 CPC for amendment of the plaint made by the applicant/plaintiff. It has been mainly stated in the application that the plaintiff filed the suit for permanent injunction against the defendant and along with the suit an application under Order 39 Rules 1 and 2 CPC was also filed. That application has been decided in favour of the plaintiff. During the pendency of the case, 2-3 days back, some of the bank officials came in the suit property and told the plaintiff to vacate the suit property, as the suit property was mortgaged with them by the defendant and the defendant has been declared as NPA due to non-payment of the loan amount.

The learned Civil Judge (Junior Division), Ludhiana, vide impugned order dated 17.4.2018 dismissed the applications. Aggrieved from this order, the present civil revision petition has been filed.

A perusal of the record shows that earlier the present petitioner Ram Bilas Singh filed civil suit for permanent injunction against Salil Malhotra-defendant for which he has separate cause of action i.e. which had arisen before the filing of the suit. Now as per the plaintiff's case, he wants to implead State Bank of Bikaner & Jaipur, earlier branch at Dholewal, Ludhiana now merged with SBI, Branch SAM Branch, Fountain Chowk, Ludhiana through its Branch Manager as defendant No.2 as the officials of this Bank had also threatened him to vacate the property. A perusal of the record itself shows that it is a second cause of action to the plaintiff against

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another person and not against the defendant which means the plaintiff is to prove his case against defendant-Salil Malhotra regarding the threat given by him towards the first cause of action which had arisen against him and if this application is allowed then the plaintiff will lead evidence regarding second cause of action against defendant No.2.

The learned Civil Judge (Junior Division), Ludhiana, while dismissing the application has correctly appreciated this aspect and has dismissed the application by observing that the plaintiff can file a separate suit regarding separate cause of action against another person. The order dated 17.4.2018 passed by the learned Civil Judge (Junior Division), Ludhiana, is correct and as per law. The Bank cannot be impleaded as defendant No.2 in the present suit as this cause of action is new and fresh one and had arisen during the pendency of the suit filed against a separate person.

From the above discussion, I find that the impugned order passed by the lower Court is correct and as per law and no illegality has been committed by the learned lower Court while passing this order, which does not require any interference from this Court.

Therefore, finding no merit in this civil revision petition, the same is dismissed.

May 9, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No