

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

238

CR No.6558 of 2016
Date of decision: 20.02.2018

Dr. Bimla Malik

..... Petitioner

Versus

Dr. Seema Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Anurag Jain, Advocate
for the petitioner.

Mr. H.C. Arora, Advocate
for respondent No.1.

Mr. Saurabh Girdhar, Additional AG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

Defendant-petitioner is in revision petition against the order dated 06.09.2016 dismissing the application filed by her to implead Haryana State Women Hockey Association and Director, Sports and Youth Affairs Department, Haryana as necessary parties.

It will be noticed that the suit was instituted on 08.03.2010. The application came to be filed on 11.02.2016. In response to the application, the plaintiff pleaded that no relief is being sought against the parties sought to be added by the defendant-petitioner. The Court after noticing that the application has been filed just to prolong the trial of the case, dismissed the application.

Learned counsel for the petitioner has vehemently argued that the certificate issued by Haryana State Women Hockey Association in her

favour is being challenged. Hence, such association is a necessary party. He has submitted that unless such association is party defendant in the suit, the suit would be liable to be dismissed.

This Court has considered the argument, however, do not find any substance in it. The plaintiff has filed a suit claiming that the certificate issued by Haryana State Women Hockey Association is forged and fabricated. It is for the plaintiff to prove whether the certificate is forged and fabricated or not. At the behest of the defendant, the organization against whom no relief has been sought cannot be added as a party.

Learned counsel for the petitioner has further argued that if an official of the Haryana State Women Hockey Association is not examined by the plaintiff, the defendant would be forced to call that official as her own witness i.e. defendant's witness and hence, she would not get opportunity to cross-examine him.

In the considered opinion of this Court, such argument is wholly without any basis. Merely because the defendant would not be able to cross-examine her own witness, cannot be a cause for impleading a party defendant. The plaintiff has pleaded that such association is not necessary party.

In view thereof, there is no scope for interference with the order passed by the learned trial Court.

Revision petition is dismissed.

20.02.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No