

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

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CR No.6531 of 2017

Date of Decision: December 06, 2018

Hindu Putri Pathsala, Managing Committee,
Girls High School, Kapurthala, through
its President V.K. Khosla

....Petitioner(s)

versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE RAJ MOHAN SINGH

Present: Mr.Adirija Das, Advocate for
Mr. Amar Vivek, Advocate for the petitioner(s).

Mr. Arun Kaundal, DAG, Punjab.

Mr. A.S. Khinda, Advocate
for respondent No.4.

Raj Mohan Singh, J. (Oral)

Petitioner has challenged the order dated 14.07.2017 passed by Additional Civil Judge (Sr. Division), Kapurthala vide which application filed by the petitioner for substitution as plaintiff in place of Sh. S.K. Wadhwa, Advocate, was dismissed.

A suit was filed by the Managing Committee of Hindu Putri Pathshala Girls High School (Regd.), Kapurthala through Sh. S.K. Wadhwa as its President. The suit was filed against the State

of Punjab and others for declaration seeking relief that the plaintiff-Managing Committee is entitled to manage the affairs of the school and is entitled to be approved under Delhi Pattern Grant in Aid Scheme by the defendants. Permanent injunction was also sought restraining the defendants from approving any other Managing Committee for the management of the school.

In the application filed by the petitioner substitution was sought in place of plaintiff Sh. S.K. Wadhwa, Advocate by disputing the running of Managing Committee by the petitioner. Two rival claims have come to fore in respect of actual management in the affairs of the school by either of the parties. Sh. S.K. Wadhwa claimed himself to be the President of the Managing Committee. On the other hand, Sh. V.K. Khosla, also claimed himself to be President of the plaintiff society. Both the claims in my considered opinion is subject to leading evidence by the parties at the relevant stage. Since plaintiff is the master of its own suit being *dominus litis* that fact cannot be lost sight of.

At the same time, the claim of the petitioner viz-a-viz the affairs of the society cannot be ignored as at this stage of litigation, assertions and denials in respect of claims of the parties would be subject to leading of evidence by the parties at the relevant stage.

On 29.11.2018, no objection to the impleadment of the petitioner as party defendant in the suit was recorded at the instance of learned State counsel. Earlier, respondent No.4 was

proceeded against *ex parte*, however, Mr. A.S. Khinda Advocate, joined the proceedings.

This Court was of the *prima facie* opinion that the impleadment of the petitioner as plaintiff would not be feasible however, petitioner can be impleaded as party-defendant in the suit so as to protect cause of action of Managing Committee through its President Mr. V.K. Khosla. The necessary orders could not be passed as learned counsel for respondent No.1 points out that an application under Order 1 Rule 10 CPC was pending consideration before the trial Court. This fact has been ascertained by learned counsel for the petitioner as well. In fact, application under Order 1 Rule 10 CPC is still pending before the learned trial Court. Since the Revision Petition is being disposed of by impleading the petitioner as party-defendant in the suit, therefore, consequence of this order would be applied to the pending application under Order 1 Rule 10 CPC before the trial Court.

Disposed of. Normal consequences to follow.

December 06, 2018
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[RAJ MOHAN SINGH]
JUDGE

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