

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

**CR No. 7870-2015 (O&M)
Date of decision : 24.01.2018**

State Bank of India

..... Petitioner

Versus

Bank of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Eklavya Gupta, Advocate for the petitioner.
Mr. G.S. Anand, Advocate for respondents No. 1 and 2.
Mr. Suvir Sehgal and Akshay Shethi, Advocate
for respondent No. 3.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 30.7.2015 passed learned Civil Judge (Junior Division), Hoshiarpur, vide which an application under Order 1 Rule 10 CPC filed by defendant petitioner-State Bank of India for impleading M/s Mithlanchal Automobile, Madhubani, Bihar, as party, was dismissed.

I have heard learned counsel for the parties and perused the record.

It comes out that respondent No. 1-Bank of India has filed the suit for recovery of ₹ 14,58,189/- along with interest, against the respondent No. 3-State Bank of India and respondent No. 2-International Tractors Ltd.

In the written statement, State Bank of India has taken the objection that the said necessary party namely M/s Mithlanchal Automobile, Madhubai, Bihar is the necessary party and has not been made party. The suit was filed on 24.4.2009. The application was filed on 6.7.2015 by defendant No. 1 (present petitioner), when the case was probably fixed for evidence and was pending for the last about 6 years.

I am of the view that if the said defendant has taken the objection that the necessary party has not been made and learned trial Court finds that plaintiff is not entitled to relief for want of addition of the said party, it is the plaintiff who is to suffer.

Defendant has taken the objection and can always argue on the said objection. Learned trial Court has found that the said party is not a necessary party.

It being so, no fault can be found with the order dated 30.7.2015 passed by learned Civil Judge (Junior Division), Hoshairpur.

Consequently, present revision petition is dismissed, leaving the present petitioner to raise all the available issues at the time of final arguments.

(KULDIP SINGH)
JUDGE

24.01.2018
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Whether speaking / reasoned
Whether Reportable:

Yes/No
Yes/No