

CR No. 7461 of 2018

DECIDED ON: OCTOBER 31, 2018

**HARYANA STATE CHAPTER OF ASSOCIATION OF SURGEONS OF
INDIA**

.....PETITIONER

VERSUS

DR. R.K.KARWASRA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ravinder Singh Dhull, Advocate
for the petitioner.

AVNEESH JHINGAN, J (ORAL)

The present civil revision petition has been filed seeking quashing of impugned order dated 22.05.2018 (Annexure P-9) passed by learned Civil Judge (Sr. Division), Rohtak (for short 'trial Court') dismissing an application dated 01.05.2018 under Order I rule 10 of the Code of Civil Procedure (for brevity 'the Code').

2. A suit was filed before the trial court seeking decree of declaration to the effect that holding of meetings by defendant No.1 on 22.09.2012 and 23.09.2012 was illegal. Further, it was alleged that appointment of Dr. Rama Kant as President of Association, issuance of charge sheet and show cause notice to plaintiff (before the lower court) and holding of meetings of

association on 26.12.2012 onwards are illegal, without jurisdiction and not binding upon the plaintiff as member of the Association of Surgeons of India (ASI). The suit was instituted on 18.12.2012. It would be pertinent to note here that ASI was represented by its Secretary as defendant No.1 and Northern Chapter of Association of Surgeons of India was represented by its Secretary as defendant No.2 in the suit.

3. On 01.05.2018, almost after 5 years of institution of the suit, an application under Order I Rule 10 of the Code was moved for impleading Haryana State Chapter of ASI as defendant. The said application was dismissed by the trial Court vide order dated 22.05.2018. Hence, the present petition.

4. Learned counsel for the petitioner argued that in a meeting held in the year 2012, an independent Haryana State Chapter of ASI was created by separating the members of State of Haryana from Northern Chapter of ASI, accordingly, Haryana State Chapter of ASI is a necessary party.

5. The contention raised by learned counsel for the petitioner lacks merit.

6. As has been rightly noted by the trial Court that the parent body i.e ASI is already a defendant in the suit and the main relief has only been claimed against defendant No.1. The defendant No.2 is the Northern Chapter of Association of Surgeons of India, from which the Haryana State Chapter of ASI was separated way back in the year 2012. For more than 5 years after the institution of suit, which is now pending for rebuttal evidence, an application was moved for impleading the Haryana State Chapter of ASI.

7. The endeavour is just to delay the matter.

- 8. No interference is called for in the impugned order.
- 9. The petition is dismissed.

OCTOBER 31, 2018
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>