

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

**CR-7551-2017 (O&M)
Date of decision : 3.4.2018**

Santosh Kaul

..... Petitioner

Versus

Sukhdev Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Naveen Sharma, Advocate for the respondents.

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)

Heard.

It comes out that plaintiff-petitioner filed an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 (for short 'the CPC') for amendment of the plaint read with Order I Rule 10 of the CPC to implead Smt. Jasmeet Kaur, Smt. Karuna Bala and Ramesh Kumar as defendants No. 7, 8 and 9. Said application was decided by learned Civil Judge, Senior Division, Jalandhar vide order dated 15.11.2016 vide which Smt. Jasmeet Kaur and Smt. Karuna Bala were allowed to be impleaded as defendants No. 7 and 8. However, the said order was silent regarding impleadment of respondent No. 9-Ramesh Kumar. An application for recalling the order dated 15.11.2016 was dismissed vide order dated 18.8.2017 passed by learned Civil Judge, Junior Division, Jalandhar, which has been impugned in the present petition.

After going through the order dated 15.11.2016, it comes out that learned Civil Judge, Senior Division, Jalandhar has nowhere mentioned that why defendant No. 9-Ramesh Kumar is not to be impleaded as defendant and for what reasons. From the order one gets impression that it was due to clerical error that the name of defendant No. 9-Ramesh Kumar was not mentioned, whereas application for amendment was allowed. Presence of defendant No. 9 is stated to be necessary to effectively adjudicate the matter.

In view of above, impugned order dated 15.11.2016, passed by learned Civil Judge, Senior Division, Jalandhar is modified to the extent that Ramesh Kumar is allowed to be impleaded as defendant No. 9 and consequently order dated 18.8.2017 is set aside and the revision petition is allowed.

Since, the main revision petition is allowed, the miscellaneous application pending, if any, stands disposed of.

(KULDIP SINGH)
JUDGE

3.4.2018
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Whether speaking / reasoned	Yes
Whether Reportable:	No