

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 204

Case No. : CR No. 905 of 2018

Date of Decision : November 19, 2018

Sonki Khan Petitioner

vs.

Tirloki Nath Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

Present : Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Atul Jain, Advocate
for the respondent.

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DEEPAK SIBAL, J. (Oral) :

The present petition is directed against the order dated 06.01.2018 passed by the Civil Judge (Junior Division), Patiala (for short – the trial court), through which the respondent's application under Order 6 Rule 17 CPC has been allowed to the extent that the defendant A.K.Khan has been now ordered to be substituted as A.K.Khan @ Shonki Khan son of Dev Seer.

Learned counsel for the petitioner submitted that the cause of action of the respondent in his plaint is against the petitioner Shonki Khan and therefore, he wishes to defend the respondent's suit. However, the respondent had wrongly impleaded A.K.Khan as defendant. Therefore, the

petitioner had filed application under Order 1 Rule 10 CPC seeking his

impleadment as defendant no. 2 in the respondent's suit but the trial court erred in impleading A.K.Khan alias Shonki Khan as defendant as only Shonki Khan should have been impleaded.

Learned counsel for the respondent submits that the petitioner is Shonki Khan but in the area, is also known as A.K.Khan. Therefore, he had impleaded the petitioner as A.K.Khan.

Learned counsel for the parties have been heard.

It is a matter of dispute whether the petitioner Shonki Khan is also known as A.K.Khan. However, it is admitted by learned counsel for the parties that it is the petitioner Shonki Khan against whom the respondent has a cause in his suit. Therefore, the impugned order is modified only to the extent that the defendant in the respondent's suit would now read as Shonki Khan @ A.K.Khan son of Dev Seer, employed in Punjabi University, Patiala and resident of Quarter No. 24, Punjabi University Campus, Patiala.

Only with the above modification in the order of the trial court, the present petition is disposed of.

(DEEPAK SIBAL)
JUDGE

November 19, 2018

monika

Whether speaking/reasoned ?	Yes.
Whether reportable ?	No.