

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No.5336 of 2018(O&M)  
Date of Decision: 05.03.2019

Jagwant Singh

.....Petitioner

Versus

Nirmala Devi and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Ms. Charu Sharma, Advocate for  
Mr. Anish Gautam, Advocate  
for the petitioner.

Mr. S.S. Kathoria, Advocate  
for respondents No.1 to 5.

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**RAJ MOHAN SINGH, J.(Oral)**

[1]. Petitioner has assailed the order dated 24.11.2017 passed by the trial Court vide which applications under Order 1 Rule 10 CPC and Order 6 Rule 17 CPC were allowed jointly.

[2]. At the time of issuance of notice of motion on 18.08.2018, following order was passed:-

*“Learned counsel for the petitioner by referring to **Nirmal Singh and others Vs. Tarsem Singh and others, 2015(2) RCR (Civil) 679** contends that joint application under Order 1 Rule 10 CPC and Order 6*

*Rule 17 CPC is not maintainable.*

*Notice of motion for 30.10.2018.*

*In the meanwhile, trial Court is directed to adjourn the proceedings beyond the date fixed by this Court.”*

[3]. In view of ratio laid down in **Nirmal Singh and others case (supra)**, joint application under Order 1 Rule 10 CPC and Order 6 Rule 17 CPC is not maintainable.

[4]. Faced with this situation, learned counsel for the plaintiffs/respondents No.1 to 5 stated that the impugned order be set aside with a liberty to the plaintiffs/respondents No.1 to 5 to file individual applications before the trial Court in accordance with law.

[5]. In view of above, this revision petition is allowed. Impugned order is set aside. Liberty is granted to the plaintiffs/respondents No.1 to 5 to file individual applications before the trial Court in accordance with law. In the event of doing so, the same shall be decided by the trial Court in accordance with law.

05.03.2019

*Prince*

**(RAJ MOHAN SINGH)**  
**JUDGE**

**Whether reasoned/speaking**  
**Whether reportable**

**Yes/No**  
**Yes/No**