

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6895 of 2014

Date of Decision: 05.02.2019

Shri Shanishchar Ji Mandir Shri Bhriguwanshi Jyotishian Trust
.....Petitioner

Vs.

Bhagwan Dass @ Bhagat Ji and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sanjay Mittal, Advocate,
for the petitioner.

Mr. R.D. Duaria, Advocate for
Mr. G.S. Gandhi, Advocate,
for the respondents.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner challenges the order of the learned trial Court [Civil Judge (Junior Division) Narnaul], dated 22.08.2014, by which an application under Order 1 Rule 10 CPC, seeking to implead the Deity Shri Shanishchar Ji Maharaj, through the Secretary of the temple, as a co-plaintiff, has been dismissed. (The petitioner is the plaintiff in the suit titled as Shri Shanishchar Ji Mandir Bhriguwanshi Jyotishian Trust, Mohalla Chanduwara, Narnaul, through (1) Naresh Kumar Sharma, son of Sh. Jawala Prasad, its Secretary; (2) Sunil Kumar, son of Sh. Ghashi Ram, Store In-charge, both Dakot by Caste, residence of Mohalla Shivaji Nagar, Narnaul, Tehsil Narnaul, District Mohindergarh).

Thus, the contention is that the '*Mandir*' being the sole plaintiff, the Deity as is worshiped in the '*Mandir*', not having been made a party inadvertently, the Deity also be allowed to be incorporated as a co-plaintiff.

The application has been dismissed on the ground that at such a belated stage it could not be allowed, the trial of the suit being at its fag end, with obviously the petitioner knowing the fact that the Deity was installed in the '*Mandir*' even at the time when the suit was originally filed.

Upon specific query to learned counsel for the petitioner, he submits that the application was filed at a stage after the respondents-defendants in their written statement had taken an additional plea that the Deity has not been made a party to the suit. Therefore, to remove that defect, the application has been filed.

Otherwise, it is admitted that is at a stage when the defendants' evidence was being led.

Upon query by the Court as to whether the petitioner also wishes to lead any evidence if the application is allowed by this Court, he submits that no further evidence is required to be led by the petitioner in any form whatsoever, even if the application under Order 1 Rule 10 CPC is allowed by setting aside the impugned order.

Upon the aforesaid statement having been made by learned counsel for the petitioner, learned counsel for the respondents submits that in that case he has no objection to the petition actually being allowed.

Having considered the above and naturally with no evidence whatsoever to be led by the petitioner (thereby further delaying the trial), I see no reason to not allow this petition, which is therefore allowed.

Consequently, the impugned order dated 22.08.2014 is set aside, with the application filed by the petitioner under Order 1 Rule 10 CPC before the trial Court, seeking to implead the Deity Shri Shanishchar Ji Maharaj through its Secretary, also allowed, but with it made absolutely clear that no further evidence whatsoever, other than what has already been led by the petitioner-plaintiff, shall

be allowed to be led by the trial Court (on behalf of the plaintiff).

February 05, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes