

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 112

Case No. : C. R. No. 1245 of 2019

Date of Decision : August 28, 2019

Mahabir Educational Welfare Society Petitioner

vs.

M/s R. K. Dhiman Shuttering House
and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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Present : Mr. Vineet Chaudhary, Advocate
for the petitioner.

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DEEPAK SIBAL, J. (Oral) :

The present petition is directed against the order dated 11.07.2018 passed by the Civil Judge (Junior Division), Ambala (for short – the Trial Court) through which an application filed by respondent no. 1 to implead Mahabir Educational Welfare Society as a defendant has been allowed.

The facts, in brief, which would be required to be noticed for adjudicating upon the present petition, are that respondent no. 1 filed a suit seeking therein to recover an amount of Rs.7,00,000/- on account of outstanding rent for the shuttering material used for the construction of the college building of Mahabir College of Education, Bullana (for short – the College). Such suit was filed against Dr. Binay Kumar and Smt. K. K. Jha – Principal and Chairman of the College respectively.

On being put to notice, Dr. Binay Kumar and Smt. K. K. Jha

appeared before the Trial Court and in the written statement filed by

Smt. K. K. Jha, a specific objection was taken that respondent no. 1's suit was liable to be dismissed as the College, which was necessary party, had not been impleaded. Thereafter, the Trial Court framed issues, on which, while respondent no. 1 was in the midst of leading his evidence, an application was filed by him under Order 1 Rule 10 CPC seeking therein to implead the College as defendant no. 3. Such application was allowed by the Trial Court as the Court was of the opinion that the College was a necessary party. Such order of the Trial Court is under challenge in the present proceedings.

Learned counsel for the petitioner has been heard.

A perusal of the recovery suit filed by respondent no. 1 reveals that through the same, respondent no. 1 had sought to recover Rs.7,00,000/- as outstanding rent for use of his shuttering material for the construction of the college building. The college building is admittedly managed by the petitioner-Society. That being so, in the aforesaid suit filed by respondent no. 1, the petitioner-Society was and is a necessary party, in the absence of which, respondent no.1's recovery suit cannot be effectively decided.

In view of the above, the impugned order passed by the Trial Court warrants no interference, especially when the same is subject to the condition that after impleadment of the petitioner as a defendant, respondent no.1 shall not seek any unnecessary adjournment for leading its evidence.

Dismissed.

(DEEPAK SIBAL)
JUDGE

August 28, 2019
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Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.

