

CR-7874-2016 (O&M)

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

CR-7874-2016 (O&M)

Date of decision : 24.01.2019

Des Raj

... Petitioner

Versus

Aman Partap Holdings (P) Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Deepanshu Matya, Advocate
for the petitioner.

Mr. M.S. Jandiala, Advocate
for respondent No.7.

AMIT RAWAL, J. (ORAL)

The present revision petition accompanied by an application seeking condonation of delay of 2647 days in filing, is directed against the impugned order dated 29.07.2009, whereby an application submitted by respondent No.7 under Order 1 Rule 10 of CPC for impleading him as defendant, has erroneously been allowed.

Reasoning assigned in the application seeking condonation of delay in filing the revision petition is that two orders were sought to be challenged by approaching the Advocate in this Court, but only one order was challenge.

Learned counsel for the petitioner submitted that the other revision petition was decided in the year 2016, therefore, an occasion arose to file the application for condonation of delay challenging the order. The suit was filed in the year 1998, whereas the defendants were proceeded *ex*

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parte. Respondent No.7, who had already been impleaded as defendant No.7, is an assignee by virtue of sale deed dated 17.11.2004 and his impleadment was not essential and necessary as the plaintiff is *dominus litus* and at the best, would be hit by *doctrin akin to lis pendens*.

Learned counsel for the respondents supported the impugned order by submitting that the explanation given is neither intentional nor *bona fide*, but *mala fide*, thus, urges this Court for dismissal of the present revision petition with exemplary costs.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is no merit and force in the submissions of Mr. Matya, for, the application for condonation of delay as well as the revision petition do not reflect the number of earlier revision petition or its decision in order to reckon the date for the purpose of computing the limitation. Be that as it may, it is too late in a day to put the clock back as respondent No.7 was impleaded as defendant No.7 the year 2009. It has been pointed out that the suit had already reached at the final stage. It would be preposterous to adjudicate this issue at this stage.

No ground is made out for inference and accordingly, the present revision petition stands dismissed on account of delay as well as on merit.

24.01.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**