

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

CR No.7319 of 2018(O&M)

Date of decision: 14.1.2020

Saroj Bhadana

.....Petitioner

VERSUS

Haryana Wakf Board and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Bhanvi Sood, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

Challenge in the present petition has been directed against order dated 05.09.2018 (Annexure P-1) passed by the Civil Judge (Junior Division), Faridabad whereby application (Annexure P-4) filed under Order 6 Rule 17 of the Code of Civil Procedure, 1908 (in short 'CPC') for amendment of the plaint has been dismissed.

Counsel for the petitioner would argue that petitioner filed an application for impleadment of State of Haryana through Collector, Faridabad as a party on the array of defendants. Another application was filed for amendment of plaint but both the applications were disposed of vide order impugned. It is argued that as mutation was wrongly sanctioned by the Revenue Authorities in favour of respondent No.1 namely Haryana Wakf Board, impleadment of State of Haryana through Collector Faridabad is necessary for complete and effective adjudication of the

matter in controversy and as a consequence, there is requirement for amendment of the plaint by raising additional averments in paras 24 and 26 of the plaint. It is vehemently argued that the trial Court committed serious error by rejecting application for impleadment of State of Haryana and as a consequence the application for amendment of the plaint.

I have heard counsel for the petitioner, perused the paper-book particularly various annexures appended with the petition including the order impugned.

Perusal of the grounds of revision particularly headnote of the petition makes it evident that the same refers to dismissal of application under Order 6 Rule 17 CPC qua amendment of the plaint and there is no reference to dismissal of application for impleadment of State of Haryana as a party. Even in para 5 of grounds of revision, the petitioner has primarily sought to challenge the order whereby application for amendment of the plaint was dismissed.

I have gone through the impugned order particularly para No.6. Perusal thereof would reveal that the Court has given its findings/observations in respect of application for impleadment of State of Haryana as a party but nothing has been contended as to how impleadment of State of Haryana through Collector, Faridabad is proper much less necessary for complete and effective adjudication of the matter in controversy. I do not find an error much less illegality in the order rejecting application for impleadment of State of Haryana as a party. As such, application for amendment of the plaint to add certain allegations against State of Haryana is of no consequence.

In view of what has been discussed hereinbefore, finding no merit, the petition fails and is accordingly dismissed in limine.

JANUARY 14, 2020		(REKHA MITTAL)
‘D. Gulati’		JUDGE
Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no