

Civil Revision No. 674 of 2020

Date of Decision: 30.1.2020

Harpal Singh (since deceased) through Lrs.

---Petitioners

versus

Babita and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Jai Bhagwan Sharma, Advocate
for the petitioner**

Rekha Mittal, J.

Challenge in the present petition has been directed against order dated 7.12.2019 (Annexure P-1) passed by Civil Judge (Junior Division), Faridabad, whereby application under Order 1 Rule 10 of the Code of Civil Procedure, 1908 (in short “the Code”) for impleading respondents No. 3 to 5 on the array of defendants, has been allowed.

The sole submission made by counsel is that the instant application was filed at the fag end of trial and impleadment of additional party on the array of defendants would result in *de novo* trial, therefore, the trial court should not have allowed the application.

Counsel, in response to a query, is not in a position to say that impleadment of respondents No. 3 to 5 is not necessary for complete and effective adjudication of the matter in controversy. The Court has allowed the application subject to payment of costs of Rs. 20,000/- in order to compensate the other side for delay in filing the application.

Counsel has expressed his apprehension that after impleadment of defendants No. 3 to 5, the respondents-plaintiffs may file an application for amendment of the plaint to challenge the sale deeds executed in favour of newly added defendants three years before filing of the suit. In case an application is filed for amendment of plaint by the respondents-plaintiffs, the petitioner would always be at liberty to raise his protest/contest on available pleas at an appropriate stage of the proceedings.

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

(Rekha Mittal)
Judge

30.1.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No