

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

206

CR No.8098 of 2019 (O&M)
DATE OF DECISION : 28th OCTOBER, 2021

Sandeep Lohia

.... Petitioner

Versus

Shankar Lal & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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Present : Mr. Sanjeev Kumar Arora, Advocate for the petitioner.

Mr. Ravish Bansal, Advocate,
Ms. Liza Bansal, Advocate
for respondents No.1, 2, 5 and 14 to 16.

Mr. D. K. Singla, Advocate for respondent No.13.

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RAJBIR SEHRAWAT, J. (Oral)

The petitioner has filed this revision petition under Article 227 of the Constitution of India for setting aside order dated 27.09.2019 (Annexure P-1) passed by the Additional Civil Judge (Senior Division), Jaitu in Civil Suit No.RT-105/19.07.2011 / 23.05.2015 titled as Sandeep Lohia Vs. Shankar Lal & others, whereby the application filed by the petitioner-plaintiff for impleading Darshana Devi and Ritu Goyal as defendants No.18 & 19, has been dismissed and along with certain other prayers.

It is submitted by the counsel for the petitioner that the application filed by the petitioner-plaintiff under Order 1 Rule 10 CPC has wrongly been dismissed by the court below only on the ground of delay. It is submitted by the counsel that since the persons proposed to be impleaded as party, are the purchaser of the property subsequent to the

family settlement under challenge in the suit, therefore, they are necessary parties for proper adjudication of the case. It is further submitted that as per the provisions of Order 1 Rule 10 CPC the trial court can implead the parties at any time and at any stage of the proceedings.

On the other hand, the counsel for the respondents have referred to the record and have submitted that the earlier the petitioner-plaintiff had filed three applications for impleading different persons as parties. All these applications were allowed by the court. The present fourth application was filed only to delay the proceedings. There was nothing to stop the petitioner from impleading the persons proposed to be impleaded through the present application, through previous applications moved by the petitioner. It is further submitted that the petitioner has filed the application for impleadment by concealing the relevant facts. It is the petitioner only, who had sold the property in favour of the persons proposed to be impleaded as party to the suit through present application, even that before filing the suit, therefore, right from the beginning the petitioner knew the particulars of the persons and the fact that they have purchased the property. Hence had these persons been necessary parties, the petitioner would have impleaded them at the time of filing of the suit itself. The counsel have further submitted that the evidence of both; the plaintiff and defendant, is already over. The case is fixed for final arguments before the trial court. Hence, it is not appropriate to implead any new defendant in the suit which would lead to *de novo* trial of the suit.

Having heard the counsel for the parties and having perused the case file, this court finds substance in the argument of the counsel for the respondents. The application filed by the petitioner at this belated stage, is nothing but a mischievous attempt to delay the proceedings of

the suit. Surprisingly, the petitioner has pleaded in the present petition that he came to know about the fact that the proposed defendants had purchased the property, only when he himself was cross examined by the existing defendants of the suit. This kind of assertion, on the part of the plaintiff-petitioner is totally beyond understanding. Not only that, the counsel for the respondents has pointed out that it is the petitioner-plaintiff only, who had sold the property in dispute to the proposed defendants, and he is signatory to the sale deed as Director of the company, which had sold the property. Hence it is obvious that the petitioner-plaintiff was well aware of the property going to the third party right from the day one when he filed the suit itself. Not only this, the court below has also observed that the plaintiff himself has placed on record certain documents which show the factum of transfer of the property in favour of the proposed defendants. This also shows that the petitioner-plaintiff was aware of the transfer of the property in favour of the proposed defendants before filing of the suit. Accordingly, it is more than clear that intention of the petitioner-plaintiff in getting the proposed defendants impleaded in the suit, is not to get the case properly decided, rather, it is done only to pass the maximum time by delaying the decision of the suit. Needless to say that the suit was filed in the year 2011. The first application was filed by the petitioner for impleading more defendants way back in the year 2013. The second application for the same purpose was filed in the year 2018. Another application was also filed. Thereafter, the present application has been filed just to delay the decision of the suit. So far as the necessity of the proposed defendants being impleaded as party, is concerned, the counsel for the petitioner has failed to point out as to how these persons are relevant for the decision of the suit when they are not party to the family settlement. Needless to say that the plaintiff has not even amended the plaint to seek possession of

the property sold to the proposed defendants. Hence, the claim made by the petitioner in the suit is only qua alleged family settlement, in which the proposed defendants are neither parties in any capacity nor are they concerned with that. Hence, the proposed defendants are not the proper or necessary parties for the proper disposal of the suit.

In view of the above, finding no merit in the present petition, the same is dismissed.

All the pending applications, if any, stand disposed of accordingly.

28TH OCTOBER, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No