

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

Sr. No. 136

CR No. 1279 of 2022

Date of decision: 07.04.2022

M/s Shree Bhagwati Road Lines and another

..Petitioners

Versus

M/S GBTL Limited and others

..Respondents

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Gaurav Gaur, Advocate
for the revisionists-petitioners.

MEENAKSHI I. MEHTA J. (Oral)

By way of the instant revision-petition, the petitioners (arrayed as defendants No.3 and 4 in the Civil Suit) lay challenge to the order dated 11.03.2022 (Annexure P-7) passed by learned Civil Judge (Junior Division), Bhiwani (for short 'the trial Court') whereby the application moved by them under Order 1 Rule 10 CPC for impleading M/s Gill Sindu Transport Company as defendant No.5 in the Civil Suit, has been dismissed.

As per the brief factual-matrix culminating in the filing of the present revision petition, respondent No.1-plaintiff filed a Civil Suit against the petitioners-defendants and proforma respondents No.2 and 3 (defendants No.1 and 2 in the Civil Suit) for seeking a decree for recovery of Rs.34,98,260.70 Ps. with cost. The petitioners moved the above-said application, while averring that the proposed defendant-

Company had transported 50 bags of the fabrics of the plaintiff-Company through them and had delivered the same to the authorised consignee at Delhi and therefore, this transport Company is also required to be impleaded as defendant for the just and proper adjudication of the real controversy between the parties in the Civil Suit. Vide the impugned order Annexure P-7, the said application has been rejected.

I have heard learned counsel for the petitioners and have also perused the file carefully.

Learned counsel for the petitioners contends that the said bags of fabrics had been handed over to the said proposed defendant-transport Company for delivering the same to the authorised consignee at Delhi and the entire dispute arose because the said goods allegedly never reached their actual destination and therefore, the proposed defendant No.5 is also a necessary party to effectively decide the real controversy between the parties.

However, I do not find this contention to be tenable because concededly, the proposed defendant was not a party to the transaction in question between the petitioners and respondent No.1-plaintiff in the Civil Suit. The petitioners were to deliver the said goods of respondent No.1-plaintiff Company to proforma respondents No.2 and 3 and they are stated to have engaged the proposed defendant No.5 to transport the same. Thus, there was no privity of contract between respondent No.1-plaintiff and the said proposed defendant and it being so, the proposed defendant Company cannot be construed to be a necessary party to the said Civil Suit for its

proper and effective decision. Even otherwise, the plaintiff enjoys the status of *dominus litis* and has every right to pursue his claim against anyone he thinks fit.

Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

07.04.2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No