

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

CR-1726-2022
Decided on : 06.05.2022

Hawa Singh

..... Petitioner

Versus

Vikram Garg and another

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Yogesh Kumar Saini, Advocate
 for the petitioner.

Manjari Nehru Kaul, J.(Oral)

Instant revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 21.04.2022 (Annexure P-5) vide which an application under Order 1 Rule 10 CPC by the petitioner for being impleaded in Civil suit No.CS/2348/2018 titled as Vikram Garg vs. Babita Sivansh was declined by the trial Court.

Learned counsel for the petitioner *inter alia* contends that he would be a necessary party in the suit for recovery, which was filed by the plaintiff-respondent No.1 against his wife Babita as both of them are holders of a joint bank account. He submits that since suit for recovery would effect their joint bank account, the Court below gravely erred in declining his prayer for being impleaded as a defendant. He further submits that since some payment had already been made by the petitioner to the plaintiff, his addition as a defendant would be necessary for the just adjudication of the case. Further more, he submits that in pursuance to a joint request made by the petitioner and the defendant, the plaintiff had advanced a loan of Rs.73,33,900/- to them.

Heard learned counsel and perused the relevant material available on record.

It would not be out of context to point out that it is the plaintiff and plaintiff alone, who is the master of a suit. A necessary party would only be the one in whose absence, a decree cannot be passed and the case would not be effectively adjudicated upon.

In the case in hand, the petitioner has miserably failed to satisfy this Court as to how he would be a necessary party for the just adjudication of the case, particularly and admittedly when no relief has been claimed by the plaintiff against him.

As a sequel to the above, this Court is not inclined to exercise its revisional jurisdiction to set aside the impugned order. Accordingly, the present petition being devoid of any merit, stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

06.05.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No