

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

109

**CR-6211 of 2018 (O&M)
Date of decision: 14.09.2022**

SATISH KUMAR JAIN

..Petitioner

Versus

NITIN KUMAR JAIN & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navjot Singh Wahniwal, Advocate
for the petitioner.

Mr. Sanjeev Kumar Bawa, Advocate
for respondent no.1.

Mr. M.K.Bhatnagar, Advocate
for respondent no.2 and 3.

ANIL KSHETARPAL, J(Oral)

During the pendency of a suit, two separate applications filed by the plaintiff under Order I Rule 10 CPC and under Order VI Rule 17 CPC have been allowed by the trial Court, particularly when the defendant no.1 and 2 gave no objection. It is not in dispute that the petitioner also filed a separate application for his impleadment as a defendant. The Court allowed the plaintiff's application while disposing of the application filed by the petitioner as infructuous.

Once the petitioner himself had prayed for impleadment as the defendant, he is supposed not to have any grievance.

The learned counsel representing the petitioner contends that he has not been granted an opportunity to file reply to the application under Order VI Rule 17 CPC.

The impugned order was passed in the presence of the learned counsel representing the petitioner. He never prayed for the time nor

objected to the statement of the respondents (plaintiff). The petitioner after having been impleaded as a defendant will get an opportunity to file the written statement and contest the suit. The learned counsel representing the petitioner despite an opportunity failed to draw the attention of the Court to the facts which may lead the Court to a conclusion that the amendment of the plaint has been wrongly allowed by the trial Court.

Hence, no ground to interfere in the order passed by the trial Court is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

September 14, 2022

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*