

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

114

2023:PHHC:097161

**CR-3134-2016 (O&M)
Date of decision: 31.07.2023**

M/S GOPAL DASS ESTATE & HOUSING PVT LTD ..Petitioner

Versus

AJAY KUMAR & ORS ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajeev Anand, Advocate
for the petitioner.

Mr. Amit Jain, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein, has been impleaded as defendant No.15 in a pending plaintiff's suit for grant of decree of declaration with consequential relief of permanent injunction. The dispute is with regard to the exchange of land between the plaintiff and the defendants. The said exchange deed is a registered document executed on 01.02.2005. During the pendency of the suit, the plaintiff filed an application under Order I Rule 10 of the Code of Civil Procedure, 1908 (hereinafter referred to as the 'CPC') as well as Order VI Rule 17 of the CPC for permission to add the applicant as defendant No.15 and carry out the consequential amendments.

2. The learned trial Court after taking note of the fact that the petitioner is a group company of defendant No.9 to 13, allowed the application.

3. This revision petition has been filed to challenge the correctness of order passed by the trial Court on 10.02.2016.

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

5. The learned counsel representing the petitioner submits that the application was filed almost at the fag end of the trial of the suit and a common

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application containing the prayer for permission to amend as well as impleadment was not maintainable.

6. This Court has considered the submission of the learned counsel representing the parties.

7. The substance of the dispute is with regard to a registered exchange deed dated 01.02.2005. It is also not disputed by the learned counsel representing the petitioner that group companies of the petitioner are already party to the suit. No doubt, the application was filed at an advanced stage of the suit, however, the plaintiff has specifically asserted that defendant No.15 (the petitioner herein) had entered into an exchange transaction in respect of a parcel of land detailed in registered exchange deed dated 01.02.2015. In such circumstances, in order to effectively decide the matter, the trial Court has ordered impleadment in exercise of its discretionary power. Such exercise of discretion does not require any interference in revision petition.

8. The next argument of the learned counsel representing the petitioner relate to the rule of procedure. It is well settled that rules of procedure are the handmaids of justice. Even if a joint application has been filed, the petitioner has failed to show any prejudice caused to him.

9. Hence, no ground to interfere, is made out.

10. Dismissed accordingly.

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

July 31st, 2023

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(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*