

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108)

CR-5760-2022

Date of Decision : February 15, 2023

Samraj and others

.. Petitioners

Versus

SGY Properties Pvt. Ltd. and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Roopak Bansal, Advocate, for the petitioners.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present civil revision petition, the challenge is to the order dated 11.05.2022 (Annexure P-5) by which, the application filed by the petitioners-defendants under Order 1 Rule 10 of the CPC so as to implead certain parties, has been dismissed by the trial Court.

Learned counsel for the petitioners argues that though the petitioners are the defendants before the Court below but as all the parties have not been impleaded, there cannot be appropriate adjudication of the claim raised by the respondents-plaintiffs. Hence, application filed by the petitioners-defendants should have been allowed so as to implead all the parties to the litigation.

I have heard learned counsel for the petitioners and have gone through the record with his able assistance.

It is a settled principle of law that the petitioners are the master of the suit and nobody can be impleaded even as defendants and that too against the wishes of the petitioners.

In the present case, the application has been filed by the petitioners-defendants so as to implead certain defendants to be imposed upon the plaintiffs by filing an application under Order 1 Rule 10 of the CPC.

Once, the petitioners are the master of the suit, no valid justification has come on record so as to challenge the impugned order dated 11.05.2022 (Annexure P-5) by which the prayer of the petitioners-defendants have been declined for impleading the parties against the wishes of the plaintiffs.

Not only this, in the impugned order, it has also been recorded that nothing has come on record that the parties sought to be impleaded are necessary parties as no details of the same has been given along with the proof. That being so, the impugned order dated 11.05.2022 (Annexure P-5) passed by the trial Court rejecting the prayer of the petitioners for impleading parties by exercising power under Order 1 Rule 10 of the CPC cannot be treated as perverse or arbitrary in any manner keeping in view the facts and circumstances of the present case. No ground is made out for any interference by this Court in revisional jurisdiction qua the impugned order.

Dismissed.

February 15, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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