

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

Civil Revision No.3446 of 2023

Date of Decision: 01.06.2023

Varinderpal Singh

...Petitioner

Versus

Jagpreet Singh

...Respondent

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

Present:- Mr. Samar Partap Singh Ahluwalia, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J.(ORAL)

By way of the instant revision-petition, the petitioner-defendant (here-in-after to be referred as 'the defendant') has assailed the order (Annexure P-1) as passed by learned Additional Civil Judge (Senior Division), Payal (for short 'the trial Court') on 01.09.2022, whereby the application, moved by him (defendant) under Order 1 Rule 10 CPC with a prayer to implead one Sarwan Singh son of Harbans Singh as defendant No.2 in *Civil Suit No.229 of 2020* titled as '*Jagpreet Singh vs. Varinderpal Singh*', has been dismissed.

2. Shorn and short of unnecessary details, the facts culminating in the filing of the present revision petition, are that the respondent-plaintiff (here-in-after to be referred as 'the plaintiff') has filed the above-referred Civil Suit against the defendant for seeking a decree for the recovery of an amount of Rs.6,12,200/- on the basis of two cheques, claimed to have been issued by the defendant in his favour in connection with the sale transaction

of his (plaintiff's) vehicle. The defendant moved the afore-said application, while averring that he deals in the sale/purchase of the commercial vehicles and had issued the said two cheques in favour of the plaintiff in respect of the above-said transaction for the sale of his vehicle, only as the security for the amount of its sale consideration and thereafter, the afore-mentioned vehicle was purchased by said Sarwan Singh and its possession had also been handed over to him and now, the said vendee is liable to pay the amount, as claimed by the plaintiff and therefore, he is a necessary party to the said Civil Suit for its proper adjudication.

3. I have heard learned counsel for the defendant in this revision petition, at the preliminary stage and have also perused the file carefully.

4. At this stage, the defendant has not been able to place any cogent material/document on the file to show the sale of the vehicle, owned by the plaintiff, to said Sarwan Singh. To add to it, the plaintiff, being the *dominus litus*, has every right/privilege to choose the person against whom he wants to seek the relief and it being so, he cannot be forced to claim any relief against said Sarwan Singh, at the instance of the defendant.

6. As a sequel to the fore-going discussion, it follows that the impugned order does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, the revision petition in hand, being devoid of any merit, stands dismissed.

01st June, 2023

Seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No