

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

113

2024:PHHC:055497

CR-5909-2017

Date of decision: 24.04.2024

BHAGWANT DAYAL (DECEASED) THROUGH LRs ..Petitioner

Versus

VED PARKASH & ORS ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhilaksh Grover, Advocate
for the petitioner.

Mr. Vishal Gupta, Advocate
for respondent No.8.

ANIL KSHETARPAL, J(Oral)

1. The only limited issue involved in the present case is that “whether during the pendency of the suit, a transferee is required to be impleaded under Order I Rule 10 of the Code of Civil Procedure, 1908 (hereinafter referred to as the ‘CPC’) or Order XXII Rule 10 of the CPC?”

2. Originally, the suit was filed by the plaintiff against the various defendants, however, M/s Bharti Infratel Ltd. was not a party. The dispute in the present case is with regard to the installation of the tower on the building. Subsequently, M/s Bharti Infratel Ltd. was impleaded as defendant No.7. During the pendency of the suit, M/s Bharti Infratel Ltd. got merged into M/s Indus Towers Ltd. The application under Order I Rule 10 of the CPC was filed by M/s Indus Towers Ltd. and it has been allowed and M/s Indus Towers Ltd. has been impleaded as defendant No.8.

3. The learned counsel representing the petitioner submits that M/s Indus Towers Ltd. can only become a party being assignee in interest under Order XXII Rule 10 of the CPC and not under Order I Rule 10 of the CPC.

4. The learned counsel representing the respondents does not dispute that M/s Bharti Infratel Ltd. has merged with M/s Indus Towers Ltd. and now the business of M/s Bharti Infratel Ltd. stands taken over by M/s Indus Towers Ltd.

5. Keeping in view the aforesaid facts, the impugned order is modified only to the extent that the application filed by M/s Indus Towers Ltd. shall stand allowed under Order XXII Rule 10 of the CPC and not under Order I Rule 10 of the CPC.

6. With these observations, the present petition is disposed of.

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

April 24th, 2024

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(ANIL KSHETARPAL)
JUDGE

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