IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CMPMO No. 455 of 2023
Decided on: 30.10.2025

Sher Singh and others

…….. Petitioners

Versus

Harish Chander and others

…….Respondents

Coram:

Hon'ble Mr. Justice Bipin Chander Negi, Judge
Whether approved for reporting? [1]

For the petitioners	**:**	Mr. Neeraj Gupta, Senior Advocate, with Mr. Pranjal Munjal, Advocate.
For the respondents	**:**	Mr. Surender Verma, Advocate.

Bipin Chander Negi, Judge (oral)

By way of the present petition, a challenge has been laid to order dated 04.08.2023 passed by the learned Senior Civil Judge, Court No. 1, Sundernagar Mandi, District Mandi, H.P. in case titled Harish Chander and Ors. vs. Sher Singh and Ors., whereby an application filed under Order 6 Rule 17 CPC by the present petitioners/defendants, seeking amendment in the written statement has been disallowed.

2. Heard learned counsel for the parties and perused the impugned order and the documents appended along with the same.

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[1] *Whether the reporters of the local papers may be allowed to see the judgment?*

3. It is an admitted position that the application seeking amendment has been filed at the stage of final arguments. The plea sought to be raised is with respect to non-joinder of parties. The specific objection sought to be raised in this respect is being reproduced here-in-below:-

> *"3. that the suit is bad for non joinder of necessary parties, such as Subhash Chander and Birij Bala. Hence, the suit is liable to be dismissed".*

4. In this respect, a reference to Order 1 Rule 13 CPC would be absolutely imperative. Order 1 Rule 13 CPC reads as follows:-

> **"Order 1 Rule 13 CPC**
>
> ***Objections as to non-joinder or mis-joinder*** *- All objections on the ground of non-joinder or mis-joinder of parties shall be taken at the earliest possible opportunity and, in all cases where issues are settled, at or before such settlement, unless the ground of objection has subsequently arisen, and any such objection not so taken shall be deemed to have been waived.***"**

5. Since the objection with respect to non-joinder of parties is being raised in the case after framing of issues (specifically at the time when the matter was fixed for final arguments), hence in view of the bare provision of Order 1 Rule 13 CPC, this objection is deemed to have been waived.

6. In view of the aforesaid, I see no reason to interfere with the impugned order dated 04.08.2023 passed by the learned

trial Court. Accordingly, the present petition is dismissed. Pending application(s), if any, also stands disposed of.

7. Parties are directed to appear before the learned Trial Court on **20.11.2025**.

(Bipin Chander Negi)
Judge

October 30th, 2025
Susheel