



CR-5416-2023(O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5416-2023(O&M)

Date of decision : 11.02.2025

Madan Mohan

... Petitioner

Versus

Jaspal Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Aayush Gupta, Advocate for the petitioner.

Mr.Saksham Mahajan, Advocate for the respondent no.1.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 04.09.2023 passed by the Civil Judge (Jr.Div.), Ludhiana vide which an application filed by the petitioner under Order 6 Rule 17 CPC has been dismissed.

2. Learned counsel for the respondent no.1-plaintiff has submitted that in the present case the amendment sought to be made is primarily on the ground that the necessary parties have not been impleaded. It is submitted that an application under Order 1 Rule 10 CPC was filed by Pritam Kaur for being impleaded as party and the said the application was allowed but the respondent no.1-plaintiff Jaspal Singh had challenged the said order by filing CR-7852-2023 and this Court vide judgment dated 26.09.2024 was pleased to allow the revision petition and had set aside the order dated 09.11.2023 allowing the impleadment of said Pritam Kaur in the suit. It is



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that Pritam Kaur is not necessary party, thus, the application for amendment to take the plea of the suit being bad for non-joinder of necessary party i.e., Pritam Kaur is meritless.

3. Learned counsel for the petitioner has pointed out that in the said judgment dated 26.09.2024, apart from the finding which has been highlighted by learned counsel for respondent no.1 in paragraph 16, it was observed that the trial Court would adjudicate the suit on the basis of pleadings and evidence before the Court. It is submitted that in view of the said subsequent judgment dated 26.09.2024 passed in CR-7852-2023, the petitioner be permitted to withdraw the present petition with liberty to revive the same in case the said judgment dated 26.09.2024 is set aside. It is further submitted that the observations that the trial Court needs to adjudicate the case on the basis of pleadings and evidence before the Court be reiterated.

4. Keeping in view the abovesaid facts and circumstances, the petitioner is permitted to withdraw the present petition with liberty to revive the present petition in case the judgment dated 26.09.2024 passed in CR-7852-2023 is set aside.

5. Needless to say that the trial Court would adjudicate the suit on the basis of pleadings and evidence before the Court independently, in accordance with law.

(VIKAS BAHL)
JUDGE

February 11, 2025.
Davinder Kumar

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