

CR-7140-2023 (O&M)
CR-7147-2023 (O&M)

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2025:PHHC:028112



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

Date of decision : 27.02.2025

CR-7140-2023 (O&M)

M/s Kitco International Pvt. Ltd

....Petitioner

Versus

M/s General Sales Pvt. Ltd and others

...Respondents

CR-7147-2023 (O&M)

M/s Kitco International Pvt. Ltd

....Petitioner

Versus

M/s General Sales Pvt. Ltd and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Kunal Dawar, Advocate with
Ms. Shruti Mandhotra, Advocate
for the applicant/petitioner.

Mr. Deepak Sabherwal, Advocate with
Mr. Jasdeep Singh Salooja, Advocate
for respondent No.4.

PANKAJ JAIN, J. (ORAL)

CM-4078-CII-2025 in CR-7140-2023

CM-4063-CII-2025 in CR-7147-2023

This two applications have been filed under Section 151 CPC
for placing on record documents marked as Annexures P-8 to P-10 (in CR
No.7140-2023) and Annexures P-9 to P-11 (in CR No.7147 of 2023).



For the reasons recorded in the applications, the same are allowed. Documents marked as Annexures P-8 to P-10 (in CR No.7140-2023) and Annexures P-9 to P-11 (in CR No.7147 of 2023) are taken on record subject to all just exceptions.

CM-4079-CII-2025 in CR-7140-2023
CM-4064-CII-2025 in CR-7147-2023

Prayer in these applications is for impleading Haryana State Industrial & Infrastructure Development Corporation Ltd. (HSIIDC) Gurugram as respondent No.5 and Haryana State Industrial & Infrastructure Development Corporation Ltd. (HSIIDC), Panchkula as respondent No.6 in the instant revision petitions.

Notice of the applications.

Mr. Sabherwal accepts notice and pleads no objection.

For the reasons recorded in the applications, the same are allowed. Industrial & Infrastructure Development Corporation Ltd. (HSIIDC), Gurugram and Haryana State Industrial & Infrastructure Development Corporation Ltd. (HSIIDC), Panchkula are ordered to be impleaded as respondent No.5 and respondent No.6 in the present petitions, respectively. Amended memo of parties (in both cases) are taken on record.

CR-7140-2023 (O&M)
CR-7147-2023 (O&M)

By way of present order, I intend to dispose off two instant revision petitions involving common set of facts.

2. Challenge is to the order dated 20.11.2023 passed by the



Appellate Court in execution whereby application filed by Decree Holder under Order I Rule 10 read with Section 151 CPC seeking impleadment of HSIIDC, stands declined holding that since in the compromise HUDA was not a party thus HSIIDC being successor thereof, is not a necessary party to the execution of compromise Exhibit C-1.

3. Decree was passed on the basis of compromise. Admittedly, HUDA was impleaded as defendant No.4. Even though HUDA was not party to the compromise yet was party to the *lis*. Accordingly, in execution also HUDA was impleaded as JD. During the pendency of the suit, State of Haryana took an administrative decision whereby the industrial estate vested in HSVP (erstwhile HUDA) was transferred to HSIIDC. The communication has been placed on record as Annexure P-6.

4. Mr. Sabherwal has fairly admitted the said position.

5. In view thereof, this Court finds that even if there is no contractual obligation of HUDA/HSVP as per the compromise, yet it can't be denied that they were parties to the *lis*. In these circumstances, the Court below ought not have dismissed the application under Order I Rule 10 CPC. Even though the application ought to have been filed under Order XXII Rule 10 CPC nevertheless the impleadment of HSIIDC ought not have been disallowed.

6. In view of above, the impugned order is hereby set aside. Application filed by the petitioner is being treated as an application filed under Order XXII Rule 10 CPC and successor of JD No.4 HUDA i.e.



HSI IDC is ordered to be impleaded in the execution.

- 7. The instant revision petitions are disposed off accordingly.
- 7. Pending application, if any, shall also stand disposed off.
- 8. A copy of this order be kept on the file of other connected case.

February 27, 2025

(Pankaj Jain)

Dpr

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No