



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

129

CR-9504-2025

Date of decision: 28.01.2026

Poonam Sodhi Bhai

Petitioner

Vs.

Satish Kumar

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Himanshu Jain, Advocate, for the petitioner.

DEEPAK GUPTA, J.

The petitioner herein is the defendant in Civil Suit No. CS-215 of 2020 titled *Satish Kumar vs. Poonam Sodhi Bhai*, pending before the learned Additional Civil Judge (Senior Division), Nangal, District Rupnagar.

2. By way of the present petition filed under Article 227 of the Constitution of India, challenge has been laid to two interlocutory orders passed by the trial Court, namely (i) order dated 12.09.2025 (Annexure P-7), whereby the application moved by the defendants for summoning of certain witnesses was dismissed, and (ii) order dated 17.11.2025, whereby the application filed under Order I Rule 10 CPC seeking impleadment of an additional party was declined.

3. The factual background is that the respondent-plaintiff instituted a suit for recovery of ₹5,75,000/- along with interest, pleading that the said amount had been transferred by him to the defendant through a bank transaction dated 01.11.2017. It was asserted that the defendant acknowledged receipt of the amount and assured its return within one year, but failed to do so, resulting in the filing of the suit. The defendant contested the claim by denying having availed any loan from the plaintiff and pleaded that, in fact, a sum of ₹5,75,000/- had earlier been

advanced by her in November 2016 to the plaintiff, his wife and son jointly, and that the amount transferred in November 2017 was merely a repayment of the said earlier loan. On this basis, dismissal of the suit was sought.

4. After completion of pleadings, issues were framed. The plaintiff led his evidence by appearing as PW-1 and by examining Navneet Kumar, an official from the State Bank of India, as PW-2 to prove the bank transaction in question. Both witnesses were cross-examined at length on behalf of the defendant.

5. When the matter reached the stage of defendant's evidence, the petitioner moved an application seeking to summon as many as five witnesses, including the plaintiff himself, the bank official already examined as PW-2, the wife and son of the plaintiff, and a clerk from the Tehsil, Nangal, for production of sale deeds and mutation records relating to any property allegedly purchased by the plaintiff or his wife since January 2011.

6. The trial Court, after considering the pleadings and the stage of the suit, dismissed the said application vide order dated 12.09.2025. It was observed that the plaintiff and the bank official had already been examined and cross-examined, and their re-summoning was wholly unwarranted. It was further noticed that summoning the wife and son of the plaintiff, as well as the Tehsil record relating to property transactions spanning more than a decade, had no nexus with the pleadings or the issues framed. The defence of the defendant was that the disputed amount represented repayment of an earlier loan allegedly advanced by her, and such a plea could well be substantiated, if at all, by her own bank records, without the necessity of examining the plaintiff's family members or calling for irrelevant revenue records.

7. The approach adopted by the trial Court cannot be faulted. It is settled law that the right to lead evidence is circumscribed by pleadings and issues, and the Court is not bound to summon witnesses, whose testimony is either irrelevant or intended merely to delay the proceedings. The discretion exercised by the trial Court in refusing to summon unnecessary

witnesses is neither arbitrary nor perverse. On the contrary, the record indicates that the application was moved at a belated stage and appeared to be an attempt to protract the trial.

8. Thereafter, the petitioner moved another application under Order I Rule 10 CPC seeking impleadment of Arun Sobti, son of the plaintiff, on the assertion that he had direct dealings and official transactions with the plaintiff. The trial Court dismissed the application vide order dated 17.11.2025 (Annexure P-10), noting that no such plea had been taken in the written statement, no specific transaction involving the proposed party was disclosed, and the application had been moved at the fag end of the trial.

9. It was rightly observed that the plaintiff, being dominus litis, could not be compelled to implead a person against whom no relief was claimed and whose presence was not necessary for effective adjudication of the dispute.

10. The principles governing impleadment under Order I Rule 10 CPC are well settled. A person can be impleaded only if he is shown to be a necessary or proper party. A necessary party is one in whose absence no effective decree can be passed, and a proper party is one whose presence is required for complete and final adjudication of the controversy.

11. In the present case, the suit is founded upon a specific monetary transaction between the plaintiff and the defendant. No relief is sought against the proposed party, nor does the determination of the issues framed require his presence. Allowing such impleadment would only enlarge the scope of the suit and delay its conclusion.

12. The scope of interference under Article 227 of the Constitution is limited. Supervisory jurisdiction is meant to ensure that subordinate courts act within the bounds of their authority and follow due process of law. It does not permit re-appreciation of facts or substitution of discretion exercised by the trial Court unless the impugned order suffers from patent illegality or perversity. Both the orders under challenge are reasoned, reflect due application of mind, and are in consonance with settled legal principles.

13. As such, finding no merit in the present petition, the same is accordingly dismissed.

28.01.2026

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>