Sarmukh Singh Vs Kundan Lal

Civil Revision No. 951 of 978 with Civil Miscellaneous No. 2222/C-II of 1979

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Aug. 2, 1979

Acts Referred:
Civil Procedure Code, 1908 (CPC) â€" Section 15

Hon'ble Judges: S.P. Goyal, J

Bench: Single Bench

Advocate: Gurcharan Singh, for the Appellant; H.L. Sarin with M/s M.L. Sarin and R.L. Sarin, for the Respondent

Final Decision: Dismissed

Judgement

S.P. Goyal, J.
In this revision Petition u/s 15 of the Code of Civil Procedure, against the order of the learned Add. District Judge,

Gurdaspur, dated 15th March, 1978, an application has been filed under order 1, Rule 10, C.P.C. for permission to implead Krishan Lal, the

auction purchaser in whose favour the sale was confirmed, as respondent. It is stated in the application that as Krishan Lal is a necessary party, he

may be allowed to be impleaded as a respondent. Apart from that nothing has been stated in the application which could show that the mistake has

been committed in good faith by non-impleading Krishan Lal as respondent within the period of limitation, a valuable right has accrued to him.

Revision petition was initially filed on April 29, 1978, and the present application has been filed on July 17, 1979. There is thus no explanation

whatsoever for this delay for more than a year. Not only that, Mr. H.L. Sarin the learned counsel for the respondents has also stated at the bar that

this mistake was pained out to the petitioner it the time of motion hearing but still the petitioner never took any steps to get Krishen Lal impleaded

as a patty to this petition.

2. In these circumstances, the petitioner has been highly negligent in not impleading Krishan Lal as respondent and I see no reason to exercise the

discretion in his favour so as to order that Krishan Lal be now treated to have been impleaded on the date when this petition was filed. If Krishan

Lal is ordered to be impleaded now, the petition would be hopelessly barred by limitation. It is, therefore, of no use to allow this application which

is accordingly dismissed.

3. The main petition in the absence of Krishan Lal would also be not maintainable as no effective order can be passed in his absence.

The main petition therefore fails and is hereby dismissed.