

Akki Oswal Trust (Regd.) Vs Jainson Hosiery Industries

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: March 24, 2014

Acts Referred: Civil Procedure Code, 1908 (CPC) – Order 1 Rule 10, Order 6 Rule 17

Citation: (2014) 2 RCR(Rent) 485

Hon'ble Judges: Sabina, J

Bench: Single Bench

Advocate: Puja Chopra, Advocate for the Appellant

Judgement

Sabina, J.

Petitioners have filed this petition challenging the order dated 02.01.2014 (Annexure P-1), whereby, application moved by the

petitioners under Order 6 Rule 17 and Order 1 Rule 10 of the Code of Civil Procedure, 1908 (in short CPC), was dismissed. Learned counsel for

the petitioners has submitted that so far as relief qua amendment of the plaint is concerned, petitioners do not press for the same. However,

application under Order 1 Rule 10 CPC for impleading the other partners of the partnership firm was liable to be allowed.

2. In the present case, petitioners have sought ejectment of the respondents by moving a petition under Section 13 of the East Punjab Punjab

Urban Rent Restriction Act, 1949. Respondents took up the objection at the time of filing of the written statement that all the partners of the firm

had not been arrayed as a party. However, petitioners made no effort to implead the other partners as a party and led their evidence. Now the

application has been moved at the stage when the evidence of the respondents has started. In these circumstances, the learned trial court rightly

dismissed the application moved by the petitioners under Order 1 Rule 10 CPC, as the petitioners should have been vigilant and should have

immediately moved the application for impleading the other partners as a party. However, the petitioners led their evidence in spite of the objection

taken by the respondents to the effect that all the partners of the firm had not been arrayed as a party.

3. In the facts and circumstances of the present case, no ground for interference is made out. Dismissed.