

IN THE COURT OF MS. AMBIKA SHARMA, PCS,CIVIL JUDGE
(JR.DIVISION) LUDHIANA

Computer File No.3585/2021

Date of Order: 27.01.2023

Mitter Sain Goyal and Ors Vs. State of Punjab

Application U/o 1 Rule 10 CPC for impleading Mohammad Bashir S/o late Abdul Majeed as party in the present case in view of the facts detailed in the application.

Present: Sh Harish Rai Dhanda advocate counsel for plaintiff
GP for the defendants
Sh Abdul Rsheed advocate counsel for applicant

1. This order of mine shall dispose of an application U/o 1 Rule 10 CPC for impleading the Mohammad Bashir S/o late Abdul Majeed as party in the present case in view of the facts detailed in the application.
2. It is submitted by the counsel for applicant that plaintiffs have filed the suit for declaration and permanent injunction against State of Punjab and others and applicant is suitable for the “Shiromani Sahitkar Award” and applicant is well renowned name in the field of Sahitya languages and decision of the present case will affect the applicant. The applicant is renowned name in the field of Urdu as detailed in the bio-data mentioned in the application. That the award has been given to a personality which has contributed to Urdu literature and has applied for the award to the defendants and from there the applicant came to know about the litigation. The applicant is preferable personality for Sharomani Sahit Purskar award by defendants. As such applicant is very much necessary party and suit cannot be proceeded with in the absence of applicant. Hence, this application.
3. Reply on behalf of respondents/plaintiff filed in which they has

opposed the application on the ground that plaintiff is master of the suit and it is sole discretion of the plaintiff to seek relief and array as party to the suit as per the persons desired by him. The applicant cannot be impleaded as plaintiffs claimed nor they are necessary party to the suit. No relief is claimed against the petitioner nor there is any bio data is under challenge and more so there is no allegations against the applicant as such there is no dispute inter-se the plaintiff and the applicant as per the pleadings as such this application deserves to be dismissed . Denying other averments prayed for dismissal of the application.

4. Heard. Perusal of the file reveals that present suit has been filed by Mittersain Goyal alongwith other two plaintiffs against State of Punjab through Principal Secretary, Higher Education and Language Department Punjab alleging his grievance. Applicant in his application *inter-alia* only has mentioned that the award to be given to a personality which has contributed to Urdu literature and the applicant applied for the award to the defendants and from there the applicant came to know about the litigation and it is very necessary to implead him as a party in the present suit and present suit cannot be proceeded without him but he has not mentioned any reason to satisfy the court at this stage that his impleadment is necessary to decide the present suit.

5. Present suit is declaratory suit and plaintiff has challenged notification dated 15 Nov 2002 issued by State and process followed by screening committee and that selection process is illegal and *inter-alia* has sought restraint from issuing the award. As per **Order 1 Rule 10 (2) CPC** - **Court may strike out or add parties** – “*The court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of*

any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon the settle all the questions involved in the suit be added”.

In view of the above law at this stage this court is of considered opinion that applicant is not such a party which ought to have been joined whether as plaintiff or defendant or whose presence before court is necessary in order to enable the court effectually and completely adjudicate upon the settle all the questions involved in present suit. Hence, in view of the facts and circumstances of the case this court does not deem it appropriate to implead applicant as party to the present. As such, application in hand is stands dismissed. However, nothing this order shall have any effect on the merits of the case.

Date of Order:27.01.2023

Jagdish

Stenographer-II

(Ambika Sharma)
Civil Judge (Junior Division)
Ludhiana.
UID-PB0495

Mitter Sen Goyal Vs. State of Punjab

Present: Sh Iqbal Singh advocate counsel for applicant
Sh J S Gill advocate for plaintiff
GP for the defendant/respondent

Vide separate detailed order of this court of even date applications under
order 1 rule 10 CPC for impleadiing is ordered to be dismissed.

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(Ambika Sharma)
Civil Judge (Junior Division)
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