

Madan Lal & Anr. Vs. Mittar Singh & Ors.

CWP No. 6129 of 2023

29.10.2024 Present: Mr. Bimal Gupta, Senior Advocate, with Ms. Kusum Chaudhary, Advocate, for the petitioner.

Mr. G.D.Verma, Senior Advocate, with Mr. Sumit Sharma, Advocate, for respondent No. 1.

Mr. Anup Rattan, Advocate General, Mr. Vishal Panwar & Mr. B.C. Verma, Additional Advocate Generals, for respondents No. 1 & 2-State.

CMP No. 15212 of 2024

By way of instant application filed under Order 1 Rule 10 CPC, prayer has been made on behalf of applicants/petitioners for impleadment of Municipal Corporation, Shimla as party respondent, wherein prayer has been opposed on ground that Municipal Corporation is not a necessary party.

However, having taken note of averments made in the application, which is duly supported with an affidavit as well as other documents adduced on record, this Court is of the view that no prejudice shall be caused to either of the parties, if Municipal Corporation, Shimla is arrayed as one of the respondents, rather impleadment of the Municipal Corporation, Shimla would enable this Court to adjudicate the case in most effective manner.

Moreover, reply filed by respondent No. 1 clearly reveals that specific objection has been taken at behest of respondent No. 1 with regard to non-impleadment of Municipal Corporation, Shimla.

In view above, application is allowed and Municipal Corporation, Shimla is ordered to be impleaded as party respondent No. 6. Registry to carry out necessary correction in the memo of parties on the basis of amended memo of parties to be filed by learned counsel applicants-petitioners within a period of one week. Application stands disposed of.

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Notice be issued to newly impleaded respondent through Commissioner. Mr. Vivek Sharma, Advocate, appears and accepts service of notice on behalf of respondent respondent No. 6. He prays for and is granted four weeks' time to reply.

List on **27.11.2024**.

October 29, 2024
(*sunil*)

(Sandeep Sharma),
Judge