

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6798 OF 2013
(arising out of S.L.P.(C) No. 8715 of 2013)

SANDEEP KUMAR JAIN ... APPELLANT(S)

VERSUS

RADHEY SHYAM ... RESPONDENT(S)

O R D E R

Leave granted.

The appellant is aggrieved by the order by which the application filed under Order 1 Rule 10 of the Code of Civil Procedure for addition of the party has been allowed. The said order was passed by the trial court on 16.10.2012 in a suit which was filed in 2008.

It is common ground that on the date when the application was filed for addition of the party, the suit was posted for arguments.

We are of the opinion that at such a late stage, the trial court ought not to have allowed the application for addition of the party and the said order ought not to have been affirmed in revision.

Accordingly, we allow this appeal set aside the impugned order passed by the High Court of Punjab and Haryana and also the order dated 16.10.2012 passed by the trial court but without any order as to costs.

.....J.
(CHANDRAMAULI KR. PRASAD)

.....J.
(KURIAN JOSEPH)

New Delhi; the
August 16, 2013

Petition(s) for Special Leave to Appeal (Civil) No(s).8715/2013

(From the judgement and order dated 05/12/2012 in Civil Revision
No.7271/2012 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SANDEEP KUMAR JAIN

Petitioner(s)

VERSUS

RADHEY SHYAM

Respondent(s)

(With prayer for interim relief and office report)

Date: 16/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. Siddharth Mittal, Adv.
Mr. S.K. Sabharwal, Adv.

For Respondent(s) Mr. Dinesh Chander Yadav, Adv.
Mr. Vibhuti Sushant Gupta, Adv.
Dr. Kailash Chand, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

| (S.K. Rakheja)
| Court Master

| |(Indu Satija)
| | Court Master

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(Signed order is placed on the file)