



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(122)

CR-5729-2025 (O&M)
Date of Decision:-**25.08.2025**

OM PARKASH SINGH

... Petitioner

Versus

ADISHWAR JAIN AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Dinesh Arora, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, read with Section 115 of the Code of Civil Procedure, seeking to set aside the order dated 28.07.2025 (Annexure P-14), passed by the learned Civil Judge (Junior Division), Ludhiana. By way of the impugned order, the learned trial Court has allowed the application filed by respondent No.3, wherein a prayer was made for impleadment as defendant No.3 in the suit proceedings (Annexure P-13).

1.1 The petitioner has approached this Court aggrieved by the said order, contending that the impleadment of respondent No.3 as a party defendant in the ongoing civil suit is unwarranted and not in accordance with law. Hence, the petitioner seeks appropriate intervention and relief for setting aside the said order of the learned Civil Judge, to prevent miscarriage



of justice and to ensure that the proceedings are conducted in a fair and lawful manner.

2. Brief facts of the case are that the petitioner filed a suit for permanent injunction against respondent Adishwar Jain claiming himself to be tenant in possession of properties in dispute and claims permanent injunction restraining the defendant from interfering in the peaceful possession over suit property. During the pendency of the suit, he moved an application under Order 1 Rule 10 CPC for impleading respondent M/s India Bulls Housing Finance Limited Company as defendant No.2 that application was allowed and M/s India Bulls Housing Finance Ltd. was impleaded as a party. When defendant No.2 moved application under Order 7 Rule 11 of CPC, petitioner made statement withdrawing the suit against defendant No.2 but that was not allowed to be withdrawn on the ground that defendant No.2 is necessary party and petitioner assailed the order vide CR-5694-2018, the same was dismissed. Thereafter an application was filed by M/s India Bulls Assets Reconstruction Company Limited claiming that they had been assigned the rights of defendant No.2, so they be impleaded as party by substituting it in place of respondent No.2 and during the pendency of that application, respondent No.2 made a statement that debt has been further assigned and application has become infructuous. Respondent No.3 moved application for impleadment on the basis of agreement dated 26.04.2024 that loan has been assigned to the respondent No.3. In civil revision against the order of disallowing permission to withdraw suit against defendant No.2 is pending for final decision and ultimately was allowed on 20.1.2025 vide



order, copy of which is (Annexure P-10). A SLP has been filed against that order.

3. M/s India Bulls Assets Reconstruction Company Limited moved petition under SARFAESI Act before District Magistrate on the basis of assignment agreement dated 31.12.2018 and the District Magistrate Directed applicant to deposit requisite stamp fee on the assignment as per Punjab Government Guidelines that order was challenged by the company in CWP-4921-2020, which is pending adjudication. Respondent No.3 moved application for impleadment as party in the civil suit, after seeking reply, the application was allowed.

4. Aggrieved against order present revision petition has been filed.

5. The order has been assailed on the ground that the case of respondent No.3 is based upon assignment agreement dated 01.02.2018 in favour of M/s India Bulls Assets Reconstruction Company Limited and subsequently to respondent No.3. The agreement is awaiting validity as the same has not been recognized by Additional District Magistrate, Ludhiana and the order of Additional District Magistrate, Ludhiana has been challenged by way of writ petition, which is pending. The plaintiff is *dominus litus* and cannot be compelled to contest against a person against whom he is unwilling to contest. The agreement between respondent No.2 and M/s India Bulls Housing Finance Limited has not attained legal validity.

6. Since M/s India Bulls Housing Finance Company Limited has been impleaded as defendant No.2 on the basis of application moved by the petitioner under Order 1 Rule 10 CPC and subsequently he has not been allowed to withdraw that application, on the grounds that M/s India Bulls Housing Finance Limited is necessary party and now the application of



respondent No.3 has been allowed on the grounds that the rights has been assigned by M/s India Bulls Assets Reconstruction Company Limited to respondent No.3, who has been assigned the rights by defendant No.2 and whose application for impleading him by substituting defendant No.2 was pending and during that period the rights were assigned to respondent No.3.

7. In light of the above discussion and upon careful consideration of the material placed on record, this Court does not find any irregularity, illegality, or infirmity in the exercise of jurisdiction by the learned Civil Judge (Junior Division), Ludhiana. The impugned order dated 28.07.2025, whereby the application for impleadment filed by respondent No.3 has been allowed, appears to have been passed in accordance with law and after due application of judicial mind.

7.1 The learned Civil Judge has rightly permitted the impleadment of Assets Care and Reconstruction Enterprises Limited as defendant No.3 in the suit, considering that the said respondent is asserting a claim based on an assignment agreement, which purportedly confers upon it certain rights, or interest against the suit property. The objections raised by the petitioner regarding the validity, legality, or enforceability of the said assignment agreement are issues that go to the root of the matter and can very well be raised and adjudicated during the course of trial.

7.2 At this stage, the impleadment of respondent No.3 cannot be said to prejudice the petitioner in any manner, and it is in fact essential for proper adjudication of the dispute. Consequently, as no grounds have been made out to warrant interference under Article 227 of the Constitution of



India or Section 115 CPC, this Court is of the view that the petition is devoid of merit. Accordingly, the present petition stands dismissed.

8. However, observations made herein above may not to be construed as opinion on the merits of the case. Same are purely confined to the present controversy and deliberations.

9. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

25.08.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No