

**SUPREME COURT OF INDIA**

Dilbag Singh & Ors.

Vs.

Ravinder Kaur & Ors.

(2015) 10 SCALE 0107

(Kurian Joseph,J.,)

07.09.2015

**JUDGEMENT**

**Kurian Joseph, J.**

1. Leave granted.

2. Despite service of notice none has appeared on behalf of the Respondents. The Appellants are aggrieved by the impugned order dated 25.03.2013 whereby the application filed in Suit No. 174 of 2010 under Order 1 Rule 10 of Code of Civil Procedure for impleading the Appellants as Defendants No. 2 and 3 was dismissed. The order passed by the Trial Court allowing the application was set aside. Having regard to the facts and circumstances of the case, particularly the original Defendant being set ex -parte, we are of the view that the presence of Appellants in the suit would be in the interest of justice. Accordingly, the impugned order dated 25.03.2013 is set aside and the order dated 26.02.2011 passed by the trial court impleading the Appellants as Defendants No. 2 and 3 is restored to the file of Suit No. 174 of 2010.

3. This appeal is allowed in the aforesaid terms. ;