

1 This Chamber Summons is taken out by defendant
no.2 for striking off his name from the array of party-defendants
to the Summary Suit filed by the plaintiff. By prayer clause (b)

of the Chamber Summons, defendant no.2 seeks rejection of the plaint against him under Order VII, Rule 11 Code of Civil Procedure.

2 In the affidavit-in-support of the chamber Summons, defendant no.2 claims that though on 30th May, 2007, he had signed the agreement with the plaintiff, he had within a month thereafter i.e. on 30th June, 2007 resigned as a Director. According to him, the resignation is evidenced by the R.O.C. Records. Defendant no.2 annexes xerox copy of Form 32 to the affidavit-in-support of the Chamber Summons, which indicates that he had resigned as a Director on 30th June, 2007. Since no changes were made in the record of R.O.C., defendant no.2 moved the concerned authority and got his name deleted in the year 2010. Defendant no.2 and his wife were the majority shareholders of defendant no.1-Company. According to defendant no.2, he had also sold away his shares as also the shares of his wife to defendants no.3 and 4, the present Directors of the Company. However, admittedly, the Company has been carrying on business from the premises owned by defendant no.2. Though, he claims to have left the Company in the year 2007, he has taken no steps whatsoever for recovering possession of the premises from defendant no.1. In the circumstance, it will be difficult either to reject the plaint against defendant no.2 under Order VII, Rule 11 C.P.C. or delete him from the proceedings on the ground that he has no connection

whatsoever with defendant no.1-Company. It is open for defendant no.2 to take these contentions to defend the suit and the Summons for Judgment. Hence, the Chamber Summons is dismissed.

3 Mr. Khata, the learned advocate for defendant no.2 states that defendant no.2 has already filed an affidavit-in-reply to the Summons for Judgment and seeks liberty to file additional affidavit-in-reply. The liberty is granted.

(Smt. R.P. SondurBaldota, J.)

CERTIFICATE

Certified to be true and correct copy of the original
signed Order.