

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

(1) CR No. 3102 of 2012 (O&M)  
Date of decision: October 16, 2015

M/s Tarun Impex Private Limited

...Petitioner

Versus

M/s Atma Tubes Products Ltd. and others

...Respondents

(2) CR No. 3103 of 2012 (O&M)

M/s Tarun Impex Private Limited

...Petitioner

Versus

M/s Atma Tubes Products Ltd. and others

...Respondents

(3) CR No. 3104 of 2012 (O&M)

M/s S.R.Buildcon Private Limited

...Petitioner

Versus

M/s Atma Tubes Products Ltd. and others

...Respondents

(4) CR No. 3105 of 2012 (O&M)

M/s S.R. Buildcon Private Limited

...Petitioner

Versus

M/s Atma Tubes Products Ltd. and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE K. KANNAN**

1. **Whether Reporters of local papers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest?**

Present: Mr. Chetan Mittal, Senior Advocate with  
Mr. Vikas Jain, Advocate,  
for the petitioner.

Mr. Raman Mahajan, Advocate with  
Mr. Madan Kondal, Advocate,  
for No.4.

Mr. Nitin Ahluwalia, Advocate,  
for respondent No.5.

**K. KANNAN, J. (Oral)**

1. This order shall dispose of the above titled four revisions as they arise out of the same set of facts.
2. In a simple money claim brought by the Steel Authority of India against the 1<sup>st</sup> defendant for recovery based on goods supplied and for cheques issued dishonoured, impleadment of third parties was made for the only reason that they were auction purchasers in an independent action brought against the very same 1<sup>st</sup> defendant by the IFCI Limited under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act (SRFAESI). The persons impleaded as parties sought for through deletion and rejection of plaint against them and application was dismissed and the revision petitions challenge the said order. There is no scope for impleading an auction purchaser of the secured assets, for, there is no asset which is involved in the suit for recovery of money claims. The impleadment is erroneous and it is set aside. Since the impleadment is set aside, there is no need for considering independently a case for rejection of the plaint against the impleaded parties.

3. This issue has been considered already in elaborate detail where the same defendants were parties and impleadment was declined in some other proceedings and I have supported the order already passed in a batch of Civil Revision Nos. 3803, 3804, 3805 and 3806 of 2015.

4. The revisions against the order dismissing the applications for rejection against the subsequently impleaded parties, which is subject matter of Civil Revision Nos. 3103 and 3105 of 2012 are unnecessary.

5. The revisions are allowed and the impugned orders are set aside.

**October 16, 2015**  
prem

**(K.KANNAN)**  
**JUDGE**