

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

**CR No. 5441 of 2015**  
**Date of decision : August 24, 2015**

**Pushplata Katiyar**

**..... Petitioner**

**Versus**

**M/s Bansal Alloys & Metals Pvt. Ltd. and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

Present:- Mr. Sunil Agnihotri, Advocate  
for the petitioner.

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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?

**Amit Rawal, J (oral).**

The challenge in the present petition is to the impugned order dated 6.5.2014 whereby an application filed by the petitioner-defendant No.2 for dismissing the plaint qua her has been declined.

Mr. Sunil Agnihotri, learned counsel appearing on behalf of the petitioner submits that the impugned order suffers from illegality, much less perversity as the petitioner-defendant No.2 is not the Director of the Company i.e. defendant No.1 and therefore, could not have been arrayed in the individual capacity in a suit, therefore the order is not sustainable.

I have heard learned counsel for the petitioner and appraised the paper book.

The petitioner has not chosen a correct remedy by moving an application under Order 7 Rule 11 CPC whereas the remedy lies under the provisions of Order 1 Rule 10 CPC. Even otherwise, no proof in support of the application seeking dismissal of the suit has been attached.

Keeping in view the fact that the remedy for the petitioner-defendant No.2 was to seek striking out her name that would lie under Order 1 Rule 10 CPC.

The order cannot be said to be without jurisdiction. There is no merit in the revision petition.

Accordingly, the revision petition is dismissed.

**(AMIT RAWAL)**  
**JUDGE**

**August 24 , 2015**  
**archana**