

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

C.R.No.6397 of 2015 (O&M)

Date of Decision: September 28, 2015

Balkishan Dass

...Petitioner

Versus

Sunil Aggarwal & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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.N.K.Malhotra, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The challenge in the present revision petition is to the impugned order dated 5.8.2015, whereby the application filed under Order 1 Rule 10(2) CPC for striking out the names of petitioner-defendant No.2 and defendant No.4 from the array of the defendants on the premise that with effect from 12.2.2014, defendant Nos.2 and 4 are no longer the Directors of defendant No.1-Company.

Mr.N.K.Malhotra, learned counsel appearing on behalf of the petitioner submits that once the petitioner-defendant No.2 and defendant No.4 are no longer the Directors of the Company, no cause of action survives for them. The trial Court has committed an illegality and perversity in dismissing the application.

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

The suit was filed on 26.7.2013 and the resignation is w.e.f. 12.2.2014. It is yet to be determined by the trial Court as to whether at the time of filing of the suit, petitioner-defendant No.2 and defendant No.4 had any role to play vis-a-vis the Company, in essence, whether they were having the control and incharge of the affairs of the Company or not.

I do not find any illegality and perversity in the impugned order and, therefore, the same cannot be said to have been passed without jurisdiction. The petitioner is misconceived and devoid of merits. Accordingly, the same is dismissed.

September 28, 2015
ramesh

(AMIT RAWAL)
JUDGE