204.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.7857 of 2011 (O&M)
Date of decision: 22.12.2015

Sushil Kanodia ... Petitioner

versus

M/s Nand Ispat and another .... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Santosh Sharma, Advocate,
for the petitioner.

Ms. Riya Bansal, Advocate,
for Mr. R.K. Chhibber, Senior Advocate,
for respondent No.1.

Mr. Rohit Ahuja, Advocate,
for respondent No.2.

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1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. *(Oral)*

1. There is no merit in the revision, challenging the order passed by the Executing Court. Execution proceeded against the named person Sushil Kanodia stated as the second party amongst the judgment debtors. The first judgment debtor is M/s Satish Steel Re-Rolling Mills that is described as represented through Sushil Kanodia and also independently as 2nd respondent. The contention

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now is that he is no longer connected with M/s Satish Steel Re-Rolling Mills and that he has resigned from the partnership. No plea beyond the decree is possible. If a decree cites Sushil Kanodia as the 2nd defendant and grants a decree, it will be impermissible for the Executing Court to consider the status of the 1st defendant as a proprietary concern or a partnership. A decree against 2 or more persons shall always be taken as joint and several unless the decree itself separates liability of the respective defendants. A decree holder is entitled to execute the decree against the 2nd judgment debtor who is the present petitioner and for any of the contentions regarding his own status qua the partnership, it can be taken only in an independent action against the defendants themselves to which the plaintiff/decree holder will not be involved. Any arrangement amongst the persons, who may have connection with M/s Satish Steel Re-Rolling Mills cannot bind the creditor/decree holder. The objection before the court below was unjustified and the revision equally so.

2. The revision petition is dismissed with costs assessed at ₹3,500/- against the respondents.

(K.KANNAN)
JUDGE

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