

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R No.830 of 2015 (O&M)
Date of Decision.09.03.2015

Amit Katyal

.....Petitioner

Versus

M/s Jai Kishan Promoters and Builders Private Limited and another
.....Respondents

Present: Mr. Aashish Chopra, Advocate
for the petitioner.

Mr. Roopak Bansal, Advocate
for the caveator.

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?

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K. KANNAN J. (ORAL)

C.M. No.4726-CII of 2015

Application is allowed.

Annexure P-9 is taken on record.

C.M. No.4727-CII of 2015

Application is allowed as prayed for.

C.R. No.830 of 2015

1. There is no scope for intervention of an order passed by the trial Court which has refused to entertain an objection taken by the 2nd defendant that he was not a necessary party and that the plaint must be rejected on that ground as against the 2nd defendant. The Court has reasoned that the 1st defendant is a company and the 2nd defendant was the Director of the company and therefore, the 2nd defendant cannot be

taken to be a person not necessary in the suit.

2. The counsel appearing on behalf of the petitioner points out to me that every averment in the plaint is made only against the 1st defendant and even relief is only against the 1st defendant. There is no reference anywhere in the plaint as regards the 2nd defendant who is the petitioner before this Court and therefore, rejection ought to have been made against the 2nd defendant. The company is invariably operated through a human agency and though a company is a juristic person itself and can be sued in its own name, I will not find any justification for deletion of the 2nd defendant who was admittedly the Director of the company to be considered at the threshold for rejection. A case of whether the 2nd defendant is a necessary party or not, would come by an appropriate adjudication in the course of trial and I will not prejudge the issue by an order of deletion now.

3. The revision petition is dismissed.

(K. KANNAN)
JUDGE

March 09, 2015
Pankaj*