

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

C.R. No.5167 of 2016

Date of Decision.06.10.2016

M/s A-One Mega Mart Pvt. Ltd.

.....Petitioner

Vs.

M/s YANKEE JEANS and another

.....Respondents

Present: Mr. Arvind Kashyap, Advocate
for the petitioner.

Mr. Vikas Jain, Advocate
for the respondents.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Mr. Arvind Kashyap, learned counsel for the petitioner-plaintiff submits that Anjum Kapoor s/o Sh. Sat Pal Kapoor and Ruchi Kapoor wife of Anjum Kapoor were partners of Yankee Jeans, SCO No.911, NAC Manimajra, Chandigarh but now it is a sole proprietorship of Anjum Kapoor. He further submits that if it so, Anjum Kapoor, being proprietor of Yankee Jeans, situated at SCO No.911, NAC, Manimajra, Chandigarh may be impleaded as necessary party for proper adjudication of the suit for recovery of the amount.

Per contra, Mr. Vikas Jain, learned counsel appearing for the respondents-defendants submits that the suit earlier instituted against the present respondents arrayed as defendant No.1 has nothing to do with defendant No.2 owing to the facts noticed above, thus, urges this Court for confirming the order under challenge.

I have heard learned counsel for the parties, appraised the paper book and of the view that if Anjum Kapoor is not the partner of Yankee

Jeans but is sole proprietorship then he may be allowed to be impleaded as defendant No.2 in individual capacity as proprietor of Yankee Jeans, SCO No.911, NAC, Manimajra, Chandigarh instead of Satpal Kapoor. Accordingly, Anjum Kapoor is ordered to be impleaded as defendant No.2 in individual capacity as proprietor of Yankee Jeans, SCO No.911, NAC, Manimajra, Chandigarh instead of Satpal Kapoor.

The impugned order is set aside and the revision petition is allowed.

(AMIT RAWAL)
JUDGE

October 06, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No