

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35236-2016 (O&M)

Date of decision: 03.10.2016

Ashish Jain and another

...Petitioners

Vs.

M/s Vardhman Polytex Ltd.

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Namit Gautam, Advocate for the petitioners.

Jitendra Chauhan, J. (Oral)

This petition under Section 482 of the Code of Criminal Procedure has been filed for seeking quashing of order dated 19.11.2015 (Annexure P-8) passed by learned Judicial Magistrate First Class, Ludhiana vide which the application for allowing the petitioners to place on record, the certified copies of amended plaint as well as an application under Order 1 Rule 10 of CPC pertaining to civil suit No.356/20.11.2010 titled as “Vardhman Polytex Ltd. Vs. K.P.Knitters & others”, pending in the Court of Civil Judge, Junior Division, Ludhiana and for exhibiting the same has been dismissed.

Learned counsel for the petitioners contends that the petitioners have no concern with M/S K.P.Knitters. The respondent has illegally got issued the summoning order from the Court of Judicial Magistrate First Class, Ludhiana by misleading the fact that the petitioners are incharge of the affairs of the firm. To demonstrate this fact before the Court, the petitioners moved an application before the trial Court for placing on record

the copy of amended plaint as well as application under Order 1 Rule 10 of CPC pertaining to civil suit No.356/20.11.2010 titled as “Vardhman Polytex Ltd. Vs. K.P.Knitters & others,” in which Anil Kumar son of Parduman Kumar Jain and Nirmal Kumari wife of Parduman Kumar have been impleaded as party in the capacity of partners of M/S K.P.Knitters.

Heard.

This Court has gone through the application under Order 1 Rule 10 CPC and the amended plaint sought to be produced on record by the petitioners. A perusal of the application as well as amended plaint demonstrates that the complainant intended to implead Anil Kumar Jain and Nirmal Kumari son and wife of Parduman Kumar Jain respectively as additional partners of M/S K.P.Knitters. It is nowhere mentioned in the application by the complainant that the present petitioners are not the partners of M/S K.P.Knitters. The assertion of the complainant is that Anil Kumar and Nirmal Kumari are also the partners of the said firm.

The petitioners cannot be allowed to escape their liability by saying that they are not partners of the firm. The present petitioners are signatories to the cheque in question. In fact, mere impleading of other partners of the firm as additional parties to the civil suit, does not in any manner prove that the present petitioners have no concern with the firm. The learned trial Court has rightly observed in the impugned order that the application moved by the petitioners is a categorical manifestation of delaying the proceedings of the Court and nothing else.

This Court does not find any reason to interfere in the well

reasoned order passed by the learned trial Court.

Consequently, the petition stands dismissed.

October 03, 2016
vanita

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No