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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 721/2016

M/S AKASH CHITTARANSI & ASSOCIATES..... Petitioner  
Through Mr.Vaibhav Dang, Advocate.

versus

JYOTI TANEJA & ANR ..... Respondents  
Through Mr.Pankaj Vivek and Ms.Anupriya  
Singh, Advocates for R-1.

**CORAM:**  
**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**

% **27.07.2016**  
**CM Nos. 26708-709/2016 (exemption)**

Exemption is allowed subject to all just exceptions.

**CM(M) 721/2016 and CM No. 26707/2016 (interim relief)**

1. By the present petition, the petitioner seeks to impugn the order dated 27.02.2016 passed by the trial court by which the application of respondent No.1/plaintiff under Order VI Rule 17 CPC was allowed. Respondent No.1 had filed the suit against the petitioner alleging that the petitioner is a partner of the firm Akash Chittransi and Associates and that respondent No.2 is also a partner of the said firm.
2. The petitioner moved an application under Order VII Rule 11 CPC holding himself to be the proprietor of the business. Hence, in view thereof respondent No.1 filed the application for amendment seeking to correct the

status of the petitioner.

3. Learned counsel appearing for the petitioner has strongly urged that respondent No.2 is neither a necessary nor a proper party to the present suit. He submits that respondent No.2 was not a partner of the law firm as claimed by respondent No.1. Even as per the amendment, now sought, respondent No.2 is continued only as a perfunctory party.

4. As far as the amendment to the plaint sought by respondent No.1 is concerned, it was a necessary consequence to the claim of the petitioner being the sole proprietor. Hence, the impugned order suffers from no material irregularity. As far as the contention of the petitioner is concerned that defendant No.2/respondent No.2 is neither a necessary nor proper party, this issue would have to be agitated by the petitioner in accordance with law.

5. Accordingly, the present petition is disposed of.

**JAYANT NATH, J**

**JULY 27, 2016**

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