

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

CR No.5816 of 2017

Date of decision : 30.08.2017

R.N. Pattanayak

...Petitioner

Versus

M/s Multitech Engineers and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Samir Rathaur, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

Defendant No.2 is in revision petition against the order dismissing the application filed under Order 7 Rule 11(a) CPC.

Defendant No.2 had filed an application under Order 7 Rule 11(a) CPC on the ground that the defendant No.2 is only a Director of the defendant No.1-company and, therefore, the suit is not maintainable against the defendant No.2 in individual capacity.

The learned trial Court, after noticing the pleadings in para No.6 of the plaint where it is specifically asserted that the defendant No.2 personally gave commitment to the plaintiff that at least ₹6,00,000/- will be paid, has held that plaint cannot be rejected qua defendant No.2.

Learned counsel for the petitioner has submitted that the defendant No.1 is legal entity being a limited company. Defendant No.2

is only a Director/official of the company. Therefore, defendant No.2 cannot be held to be personally liable. He further submits that any dispute between the plaintiff and defendant No.1, defendant No.2 cannot be held personally liable.

I have considered the submission. At the stage of consideration on application under Order 7 Rule 11 CPC, the Court is required to examine the assertions made in the plaint. In para No.6 of the plaint, plaintiff has specifically asserted that the defendant No.2-Mr. R.N. Pattanayak had committed a payment of ₹6,00,000/- on the very next day.

In view of these assertions, I do not find any good ground to interfere with the impugned order passed by the Court.

Revision petition is dismissed.

Defendants would be at liberty to take all possible defences while filing the reply.

30.08.2017

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No