

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

CR No. 4337 of 2018

Date of Decision: 17.07.2018

M/s Mohan Tech, Opposite Rail Coach Factory, Kapurthala

.....Petitioner

Vs.

M/s Mohan Rail Components Private Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Kawaljyot Singh, Advocate,
for the petitioner.

Mr. Anandeshwar Gautam, Advocate,
for respondent no. 3.

AMOL RATTAN SINGH, J. (ORAL)

As already noticed in the previous orders passed in this petition, the petitioner is only aggrieved of the sentence in the impugned order which states that “it has come to my knowledge that the present suit has been filed by the plaintiff in collusion with defendant nos. 1 and 2 in order to defeat the valuable rights of the secure creditors/defendant no. 3.”

Learned counsel for respondent no. 3 submits that he has no objection to the said line being “expunged” by this Court if the operating part of the order is not disturbed.

Consequently, this petition is disposed of with a direction that the aforesaid line, stating that there is collusion between the 1st and 2nd defendants, at least at this stage not shown from the impugned order to be supported by any evidence before the learned Civil Judge (Junior Division), Kapurthala, shall be

treated to be non-existent in the order and consequently, a fresh order shall be issued by that Court with the same date on it, expunging the said phrase in the first part of paragraph 4 of the order.

Of course if subsequently evidence comes before that Court that there was any collusion between the parties, naturally that Court would record such finding on the basis of such evidence.

It is made clear that the remaining part of the order shall remain absolutely intact.

July 17, 2018
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes