

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

**CR-6581-2016 (O&M)
Decided on: 20.02.2018**

Sh. Arvind Kumar Saraf **.... Petitioner**
Versus

M/s. Haryana Petroleum Products and another **... Respondents**

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

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

Mr. Sukhandeep Singh, Advocate, for
Mr. Lokesh Sinhal, Advocate,
for respondent No.1.

KULDIP SINGH, J (ORAL)

CM-20184-CII-2016

Application is allowed as prayed for.

CR-6581-2016

Impugned in the present revision is the order dated 26.08.2016 (Annexure P-1) passed by learned Additional Civil Judge (Sr. Division), Faridabad vide which an application under Order VII Rule 11(a) read with Section 151 CPC, 1908 filed by defendant No.2 for rejection of plaint qua him on account of his being non-executing Director of the Company-respondent No.2, has been dismissed.

Defendant No.2-petitioner has claimed that he being non-executing Director of the Company-respondent No.2 and is not liable to pay the amount to the plaintiff. It was further pleaded that plaint does not disclose the cause of action against him.

I have heard learned counsel for the parties and have also carefully gone through the case file.

The plaint is sought to be rejected qua defendant No.2-petitioner on the ground that it does not disclose the cause of action against him and is covered under clause 11(a) of Order VII CPC, 1908. The provisions of Order VII Rule 11 shows that it pertains to rejection of the plaint on certain grounds. It does not talk of rejection of plaint in part or qua some of the defendants. If some parties are improbably joined or not joined, it is a matter to be decided under Order I Rule 10, Sub-Rule 2 CPC, 1908 and the Court has the power to strike out or add any party may be as plaintiff or defendant on an application or *suo moto*. It being so, there is no ground to interfere in the impugned order.

As such, the present revision petition is dismissed. However, the petitioner is always at a liberty to move an appropriate application under Order I Rule 10 of CPC, if he so desired.

(KULDIP SINGH)
JUDGE

20.02.2018
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No