

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

CR-2820-2021 (O&M)

Date of decision: November 17, 2021

Manmohan Kumar

...Petitioner

Versus

M/s R.R. Trading Company and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rajneesh Shelly, Advocate for the petitioner.

ARUN MONGA, J. (ORAL)

Petition herein, under Article 227 of Constitution of India is for setting aside the impugned order dated 22.09.2021 (Annexure P-3) passed by learned Additional Civil Judge (Sr. Division), Dera Bassi, District SAS Nagar, whereby, application moved by petitioner-defendant No.2 for deletion of his name from the array of defendants, has been dismissed.

2. I have heard learned counsel for the petitioner and gone through the case file.

3. No interference is called for in the order assailed herein, which is premised, *inter alia*, on the following reasoning:-

“9. Clearly, the contention, so raised by defendant No.2, at this stage, through the application has been very well referred in the earlier written statement filed by him. The proof with regard to the liability of defendant No.2 in the present case and his signatures upon the cheques is a matter of evidence and has to be decided at the final stage of the case. At this stage, simply on the averments of defendant No.2 that he is not a proprietor of defendant No.1 and is, thus, not liable towards the plaintiff, he could not be deleted from the array of defendants especially when in para-5 of the plaintiff has specifically mentioned that the defendant No.2 issued two cheques bearing no.000140 dated 13.05.2017 and no.000141 dated 20.08.2017 of Punjab & Sind Bank to the plaintiff towards the part payment and as the same were dishonored, defendant No.2 is liable to make the payment of the same.

10. As far the contention of defendant No.2 is concerned that he was not aware intimated with regard to the case and his written statement and cheques are false documents, the said contention of the defendant No.2 appears to be scandalous and abusive of the process of law. The signatures of Manmohan Kumar on the fresh power of attorney and upon the written statement of the defendant No.2 can be perceived clearly with bare eyes to be of the same person.

11. Also, the aforesaid contention of defendant No.2 is himself contradictory to his submission made in his latest power of attorney in favour of Sh. Mukesh Gandhi, Advocate wherein he has again mentioned himself to be the proprietor of M/s Krishna Furniture's.

12. Thus, finding no merits, in the application of the defendant No.2 same is, hereby, dismissed being devoid of merits.....”

4. A perusal of above leaves no manner of doubt that there is no irregularity either in facts or in law, so as to exercise extraordinary revisional jurisdiction vested with this Court.

5. There is no room for interference in the aforesaid valid reasons recorded by the trial Court, with which I am in agreement with.

6. Dismissed.

(ARUN MONGA)
JUDGE

November 17, 2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No