

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

122

2023:PHHC:092486

CR-492-2020

Date of decision: 21.07.2023

DARSHANA DEVI

..Petitioner

Versus

OM PARKASH AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Raghav Goel, Advocate
for the petitioner.

Mr. S.S. Virk, Advocate
for respondent No.1.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein has been impleaded as the defendant No.2 in a pending suit for rendition of true and final accounts for the recovery of Rs.27,30,000/- with interest. Originally, M/s Raj Trading Company Commission Agent was impleaded through its proprietor/partner Sh. Rajbir Singh, however, in the written statement, it was disclosed that Sh. Rajbir Singh is not the proprietor. Subsequently, an application was filed to implead Smt. Darshana Devi, who is wife of Sh. Rajbir Singh. The application has been allowed.

2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. The learned counsel representing the petitioner submits that the application has been filed after a period of three years from the date of written statement, therefore, the application was filed beyond the prescribed time. As already noticed, the suit was filed against a firm. Initially, the firm was impleaded through the petitioner's husband. While filing the written

statement, the petitioner's husband did not disclose that his wife is the

proprietor of the firm. Sh. Rajbir Singh disclosed this fact in his cross-examination which prompted the petitioner to file an application.

4. Keeping in view the aforesaid facts, no ground to interfere is made out.

5. Dismissed.

6. However, the trial Court will decide the case without being influenced by the observations made in the impugned order or in the order made by this Court

7. All the pending miscellaneous applications, if any, are also disposed of.

July 21st, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*