

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.R. No.2564 of 2023 (O&M)

Date of Order:21.11.2023

Manmor Singh Sidhu and others

.Petitioners

Versus

Paramjit Singh alias Kavi Khan and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Akshay Bhan, Sr. Advocate, with
Mr. J.S.Dhaliwal, Advocate and
Mr. Santosh Sharma, Advocate
for the petitioners.**

**Mr. Kuldip Singh, Advocate
for respondent no.1.**

**Mr. Goldy Jakhar, Advocate
for respondent no.2.**

ANIL KSHETARPAL, J

1. The respondent No.1 filed a suit for recovery of damages due to alleged infringement of copyrights. While filing the suit he impleaded the following defendants:-

- “1. Manmor Singh Sidhu son of Sh. Beant Singh, owner of White Hills Music Company, Chandigarh, permanently resident of First Floor, F-545, Sector 75, Mohali.
2. Pawan Gill, Marketing Manager, Son of Shammi Kumar, Resident of 2587, Sector 24C, Chandigarh.
3. Deepak son of unknown, Manager, While Hills Music Company, Near Sohana Sahib Gurudwara, Mohali.
4. Maninder Buttar (professional singer) son of unknown c/o White Hills Music Company, 1st Floor, F-545,

Industrial Area, Sector 75, Mohali.”

2. Three separate applications were filed by defendants no.1 to 3 for deleting their names from the array of parties. On 30.01.2023, the court passed the following order:-

“Today, Sh. Mohinder Kumar learned counsel for plaintiff suffered a statement that he has no objection if the application under Order 1 Rule 10 CPC is allowed subject to costs.

On the other hand, Sh. S.P.Godara, Advocate representing the defendants no.1 to 3 suffered a statement that he has no objection if the application under Order 6 Rule 17 CPC filed by the plaintiff is allowed subject to costs.

Heard. In view of the above statements, both the applications under consideration are allowed.

Case is adjourned to 23.02.2023 for consideration on application under Order 7 Rule 11CPC.”

3. It appears that an application filed by the plaintiff for amendment of the plaint was allowed. On 27.03.2023, the court without realizing that defendant no.1 to 3 have already been deleted from the array of parties, passed the following order:-

“Despite repeated calls given to the case, none has appeared on behalf of respondents no.1 to 3. it is already 3.40 PM. As such, respondents no.1 to 3 are proceeded against exparte. Case is adjourned to 17.04.2023 for consideration on application under Order 7 Rule 11 CPC.”

4. The learned senior counsel representing the petitioners contends that the trial court has passed the order without realizing that the names of the petitioners have already been deleted from the array of parties and therefore they were not required to appear in the court.

5. This court has considered the submissions of the learned counsel representing the parties.
6. In the considered opinion of the court, at the first instance, the petitioners should file an application before the trial court in this regard. If such application is filed, the same shall be decided by the court within one months, from today, positively.
7. With these observations, the revision petition is disposed of.
8. All the pending miscellaneous applications, if any, are also disposed of.

November 21, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO