

2023:PHHC:146130
**140 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-4676-2022 (O&M)

Date of decision: 16.11.2023

Mohd. Mughni Usmani and another

....Petitioners

Versus

Pardeep Kumar and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. S.K.Singla, Advocate for the petitioners

Mr. Saurabh Kaushik, Advocate for respondent no.1

ANIL KSHETARPAL, J (Oral)

1. The petitioner herein is defendant no.3 and 4 in a plaintiff's suit for recovery of Rs.12,00,000/- alongwith future interest at the rate of 18% per annum. The suit has been filed on the ground that he has been lured to invest the amount in defendant no.1 (S.M.D. Premier Thrift & Credit Co-Operative Society Ltd) but the same is not being returned. During the pendency of the suit, an application was filed by defendant no.4 for deleting his name. He claims that he has nothing to do with defendant no.1 i.e S.M.D. Premier Thrift & Credit Co-Operative Society Ltd. The trial court has dismissed the application on the ground that defendant no.3 and 4 have incorporated a yet another Company namely SMD Infra Venture Pvt. Ltd., where both are Directors.

2. In this case, only a civil suit for recovery of the amount has been filed alleging that the plaintiff has been lured to invest the amount, which is not returned.

3. Learned counsel representing the respondent contends that address of S.M.D. Premier Thrift & Credit Co-Operative Society Ltd. and SMD Infra Venture Pvt. Ltd is same. He submits that the investors are being deceived by the defendants.

4. In a civil suit, the petitioner is not required to appear in person. The contention that the petitioner has no relation with S.M.D. Premier Thrift & Credit Co-Operative Society Ltd. is the subject matter of evidence, which is yet to be led.

5. Keeping in view the aforesaid facts, this Court does not find it appropriate to interfere with the orders passed by the trial court.

6. Hence, dismissed.

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

16.11.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE