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

CR-5010-2024 (O&M)

Date of Decision : 09.12.2024

M/s Kamboj Enterprises

... Petitioner(s)

Versus

M/s Jagdish Chander Sunil Kumar

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Nonish Kumar, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

1. The present revision petition has been preferred by the defendant-petitioner aggrieved by the order dated 18.07.2024 (Annexure P-4) vide which the application filed by the defendant-petitioner under Order 1 Rule 10 of the Code of Civil Procedure, 1908 has been dismissed.

2. Brief facts relevant to the present *lis* are that the plaintiff-respondent herein filed a suit for recovery of Rs.15,25,000/-. An application was filed under Order 1 Rule 10 CPC by the defendant-petitioner for impleading one M/s U.V. Export Private Limited on the ground that the paddy was purchased by M/s U.V. Export Private Limited from the plaintiff-respondent and the defendant-petitioner herein had nothing to do with the sale. Reply was filed to the said application wherein it was specifically stated that no sale was made to M/s U.V. Export Private Limited and if there was any contract between the defendant-petitioner and M/s U.V. Export Private Limited, that would not bind the plaintiff-respondent. Vide the impugned order dated 18.07.2024, the application was dismissed. Hence, the present revision petition.

3. Learned counsel for the defendant-petitioner would contend that the paddy was purchased by M/s U.V. Export Private Limited, however, the entries were made in their accounts and, hence, M/s U.V. Export Private Limited would be a necessary party.

4. Heard.

5. In the present case the plaintiff-respondent had filed a suit for recovery of Rs.15,25,000/- against the defendant-petitioner as it had purchased the paddy from the plaintiff-respondent on different occasions and till the filing of the suit an amount of Rs.15,25,000/- was outstanding. The present application has been filed by the defendant-petitioner at the stage of defendant's evidence. Evidence has already been led by the plaintiff-respondent to show the outstanding amount. In the present application mere bald assertions have been made that it was M/s U.V. Export Private Limited who had purchased the paddy. There was no document which has been placed on the record to even remotely suggest that the purchase was made by M/s U.V. Export Private Limited. In the absence of the same, no fault can be found with the impugned order.

6. In view of the above, I do not find any merit in the present revision petition. The same being devoid of any merits is, accordingly, dismissed. Pending applications, if any, also stand disposed off.

09.12.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO