

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

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CR-6213-2023 (O&M)

Date of Decision: 10.01.2024.

M/s GHK Drive Tech. and another

...Petitioners.

Versus

M/s Tata Steel Processing and Distribution Limited and others

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. Pankaj Nanhera, Advocate and
Mr. Paramvir Singh Door, Advocate
for the petitioners.

Sukhvinder Kaur, J.

By way of present revision petition, the petitioners has challenged order dated 14.07.2023 passed by learned trial Court, vide which application of the petitioners under Order 1 Rule 10 (2) read with Section 151 CPC for striking out their names in the suit for recovery filed by respondent/plaintiff, was dismissed.

2. The plaintiff filed a suit for recovery of Rs.77,42,687/-. During the proceedings petitioners/ defendants No.3 and 5 filed the application for deleting their names from the array of defendants, which was dismissed. Hence the present revision petition has been filed before this Court.

3. Learned counsel for the petitioners/defendants No.3 and 5 has contended that the petitioners are not related to the firm M/s Circle &

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Components in any manner. They are neither proprietors nor authorized signatories of the said firm. They had not made any purchase order and had not received any goods/material either in their own name or in the name of M/s Circle & Components. The petitioners have illegally been arrayed as defendants in the present suit pending before the trial Court. He has further submitted that the Court below has failed to appreciate the facts that the respondent itself admitted in its reply to the said application that the petitioners requested to transact with the respondent in the form of fresh entity, which shows that the petitioners wanted to start transactions with the respondent afresh.

4. I have heard learned counsel for the petitioner and have gone through the relevant record.

5. The instant suit is for recovery of Rs.77,42,687/- which has been filed against the defendants on the ground that defendant No.1 is a partnership firm and was having dealing with the plaintiff and the plaintiff used to supply goods and articles to defendant No.1. Defendants No.1, 4 and 5 belong to the same family. It has been reflected in the impugned order that during the course of evidence, it has come on record that defendant No.3 M/s GHK Drive Tech. mailed to the plaintiff/respondent on 27.07.2017 and copy of the same has also been given to M/s Circle & Components. In the reply filed by the respondents, it is not mentioned that for which purpose the above said mail was sent and from the annexures attached with the above said mail, it is evident that some deliberations took place between the plaintiff and respondents No.3 and 5. As such, defendants No.3 and 5 are necessary parties for the purpose of just and proper

adjudication of the present case. So when allegations of the plaintiff are qua all the defendants including the petitioners then defendants No.3 and 5 are necessary parties for just and proper adjudication for the present case and as such, the application has rightly been dismissed by the trial Court.

6. Thus, there being no illegality or infirmity in the impugned order and no interference there with is called for while exercising the revisional jurisdiction. The present revision petition being bereft of any merits stands dismissed.

7. All pending applications, if any, also stand disposed of accordingly.

(SUKHVINDER KAUR)
JUDGE

10.01.2024.

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Whether speaking/ reasoned	:	Yes/ No
Whether Reportable	:	Yes/ No