

**IN THE COURT OF DISTRICT JUDGE (COMMERCIAL
COURT)-01,
CENTRAL, TIS HAZARI COURTS, DELHI
PRESIDED BY: MR. SANJEEV KUMAR AGGARWAL
IN THE MATTER OF:
CS (COMM) NO. 293/23**

**MR. RAJAN WAHI
PROP. OF M/S WAHI JEWELERS**

.... PLAINTIFF

VERSUS

**MR. AJAY TANEJA
PROPRIETOR / AUTHORIZED SIGNATORY
M/S TANEJA INTERNATIONAL**

.....DEFENDANT

**ORDER
(05.01.2024)**

1. By this order, I shall decide an application under Order I Rule 10 r/w Section 151 CPC filed by defendant.
2. It has been stated in the application that defendant had been introduced with the plaintiff through one Sh. Deepak Kumar (proposed defendant no. 2), who was working as Manager in the gold loan department in Yes Bank, Preet Vihar, Branch. It has been further stated that said Deepak Kumar entrapped the defendant by allegedly to help the defendant to avail loan

facilities from not only the bank but also from private financiers as he used to get commission basis with such lenders. It has been further stated that proposed defendant no. 2 introduced the defendant to the plaintiff i.e. Rajan Wahi and his wife Amrita Wahi (proposed defendant no. 3) as private financier / co-owners of a jewelry shop and the plaintiff was introduced as a reputed jeweller and an approved government valuer. It has been further stated that proposed defendant no. 3 Amrita Wahi is part of the day to day affairs of the business in the name of M/s Wahi Jewellers of which plaintiff is proprietor, therefore, in these circumstances, both proposed defendants no. 2 & 3 are necessary parties and they may be impleaded as defendants.

3. Reply of the same was filed by plaintiff in which he stated that the present suit relates to the transactions between the plaintiff and the defendant and the alleged proposed defendants no. 2 & 3 are in no way related with the present case. Hence, they are not necessary parties and it is prayed for dismissal of the application.

4. I have heard arguments and gone through the record. Both the learned counsels have argued on the same line as taken in their respective pleadings.

5. As per Order I Rule 10(2) CPC, The Court can implead any party at any stage even without an application if it thinks that their presence is necessary in order to effectively adjudicate the suit. Order I Rule 10(2) CPC is reproduced as under :

2. Court may strike out or add parties—The court may at any stage of the proceedings, either upon or without the

application of either party, and on such terms as may appear to the court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the court may be necessary in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

6. Hence, from the said provision of law it is evident that Court may add any party as defendant if it is necessary for just decision of the case. Now reverting back to the case in hand. The case of the plaintiff is that defendant has purchased the gold jewelry twice from the plaintiff for sum of Rs. 12,27,195/- & Rs. 13,12,745/- and defendant made the payment vide cheque nos. 461150 & 461151 dt. 01.07.2020 & 02.07.2020 for Rs. 12,27,195/- & Rs. 13,12,745/- respectively but both the cheques were got dishonored with remarks “payment stopped by drawer”, hence, plaintiff has filed the present suit for recovery of said amount. The real dispute is whether defendant has purchased the goods from the plaintiff or not and has given cheques in question or not for making payment of said goods. The applicant fails to explain how the proposed defendants become liable to pay. In my view, both the proposed defendants no. 2& 3 are not necessary parties even if all the averments as stated in the application are gospel truth. In my view, if according to the defendant they have any role in the transaction between the plaintiff and the defendant he can examine them as witnesses to prove that he is not liable to

pay any amount, therefore, in these circumstances, there is no merit in the application and same is hereby dismissed with cost of Rs. 5,000/- to be paid to the plaintiff. Application stands disposed off accordingly.

(Sanjeev Kumar Aggarwal)
District Judge (Commercial Court)-01,
Central, Tis Hazari Courts,
Delhi/05.01.2024