

09.09.2022

Present : Shri Praveen Kumar Sharma - Ld. Counsel for the plaintiff
Shri Shashank Upadhyay - Ld. Counsel for defendants No. 1, 3
and 4
Shri Nishant Gaurav - Ld. Counsel for defendant No. 2

Defendants No.2 to 4 have been arrayed being Directors of defendant No. 1 company. Since company is a juristic person and can be sued in its name, therefore, Directors are not necessary parties unless any fraud is alleged.

It is submitted by Ld. Counsel for the plaintiff that the loan was advanced by the plaintiff through RTGS to defendant No. 2 and the amount was transferred into his personal account and not in the account of defendant No. 1 company. However, he had executed the agreement which bears the signatures and seal of the company.

It has to be decided by the plaintiff whether she had extended the loan to defendant No. 1 company or to defendant No. 2 as an individual and choosing either of them, the other defendants have to be deleted as per law. Ld. Counsel for the plaintiff seeks time to file appropriate application/memo of the parties. Allowed. Let the needful be done within two weeks.

Put up for further proceedings on **11.10.2022**.

(Sanjay Sharma-I)
District Judge (Commercial Court-01)
East/Karkardooma Courts-09.09.2022