

ORDER BELOW EXH.55

Non-applicant No.10 filed this application to delete his name.

02. It is contended by this non-applicant that, he has been made party to this application as Director of Kalika Steel Private Limited, Jalna. He further submitted that, he is not a Director of said Kalika Steel Private Limited, Jalna and therefore, he has no concern with the said company. Hence, he prayed to delete his name.

03. The applicant objected the application on the ground that, the Director viz. Anil Bansilalji Jindal was a party to the suit bearing R.C.S.No.324/2012. This non-applicant No.10 is father of Anil Bansilalji Jindal. As the earlier Director viz. Anil Jindal is dead, his father has been made party to the application. It is further contended that, this non-applicant has received the notice of the Court as he is a Director of the said company. On these grounds, he prayed to reject the application.

04. Heard the learned Counsel for non-applicant No.10 and the learned counsel for the applicant.

05. The applicant has filed this application for restoration of civil suit bearing R.C.S.No.324/2012. The Record and Proceeding of said suit bearing R.C.S.No.324/2012 is called. On perusing the record i.e.

Exh.01, it appears that, defendant No.10 “Kalika Steel Private Limited, Jalna, represented by Director Shri Anil s/o. Bansilalji Jindal, r/o Sambhajinagar, Jalna”, was a party to the suit. But, as Anil Jindal is dead, his father i.e. non-applicant No.10 Bansilalji Jindal, Director of Kalika Steel Private Limited, Jalna has been made party to the application.

06. On 30.10.2018, the applicant was directed to produce the documents to show that, Bansilalji Jindal is a Director of Kalika Steel Company. Till today, the applicant has not produced any document showing Bansilalji Jindal is a Director of Kalika Steel Private Limited, Jalna. It seems that, this non-applicant No.10 was not party to the suit, i.e. R.C.S.No.324/2012. As, non-applicant No.10 Bansilalji Jindal is not Director of Kalika Steel Private Limited, Jalna, he is mis-joinder to this application. Therefore, in the interest of justice, I pass the following order.

ORDER

01. Non-applicant No.10 Kalika Steel Private Limited, Jalna, Director Bansilalji Jindal, r/o. Sambhajinagar, Jalna is deleted.
02. The applicant to carry out the amendment and submit amended copy of the application, till next date.

Sd/-

Jalna.
Date : 04.12.2018.

(Smt.S.D.Soni)
7th Jt. Civil Judge, (S.D.)
Jalna.

C E R T I F I C A T E

I state on oath that, this PDF file is word to word as per original order.

Name of Stenographer	: Prashant S. Tayade
Name of Court	: 7 th Jt Civil Court (S.D.) Jalna
Date of PDF	: 04.12.2018

Sd/-
(P.S.Tayde)
Stenographer (L.G.)