

Spl.C.S.No.546/2018
Ankush vs Bhairav

ORDER BELOW EXH.45

1] Perused the application and Say (Exh.45). Heard both the sides. Defendant no. 2 has claimed his deletion from the array of defendant on the ground that he is no more concern with the defendant no. 1- the company as he had already left the company on 07-01-2017 and joined the other company. However, it cannot be ignored that the plaintiff has specifically alleged that the oral contract in dispute was taken place with the active participation and involvement of defendant no. 2 with the specific pleading. When the alleged oral transaction was taken place, he was acting as Power of Attorney and representative of defendant no. 1.

2] Having regard to the specific averments as regards to the active participation and involvement of defendant no. 2 and looking at the dispute in hand which pertaining to the oral contract, the presence of defendant no. 2 will be essential to decide the real controversy between the parties. Hence, I do not substance in the submission of the defendant no. 2 that his presence is not required. Hence, the application will have to be rejected for want of substance. Hence, I pass following order.

ORDER

The application (Exh 45) is rejected.

Panvel.
Dt.12-04-2019

(U. L. Pathak)
3rd Jt. Civil Judge, Sr. Dn., Panvel.

