

M/s Shriram Transport Finance Company vs. Pargat Singh No. 3

IN THE COURT OF MS. ETU SODHI JUDICIAL MAGISTRATE FIRST CLASS (JMJC) TARN TARAN.

Nact **134-22**
Date of order: **17.08.2024**
Next date : **28.08.2024**

M/s Shriram Transport Finance Company vs. Pargat Singh

Application for substituting of employee namely Sh. Amandeep Singh employed as Branch Collection Manager, Branch Sarhali Road at Tarn Taran functioning in Tarn Taran, i.e. Authorized representative/ attorney of the complainant-bank in the place of Sh. Rakesh Kumar.

Present: Sh. Bikram Arora Adv, Counsel for complainant-company.
 Accused on bail with counsel.

ORDER

1. This order of mine will dispose of an application for substituting of employee namely Sh. Amandeep Singh employed as Branch Collection Manager, Branch Sarhali Road at Tarn Taran functioning in Tarn Taran, i.e. Authorized representative/ attorney of the complainant-company M/s Shriram Transport Finance Company Ltd. Public Limited Company in the place of Sh. Rakesh Kumar moved by the counsel for complainant.

2. Through this application it is submitted that above said complaint, which acts through its officers/authorized officer and at present the complainant-company is working through Sh. Rakesh Kumar employed as Branch Collection Manager, Branch Office at Sarhali Road functioning in Tarn Taran, i.e. Authorized representative/ attorney of the complainant-company in the place of **Rakesh Kumar** and the necessary permission granted tender the affidavit of evidence in post notice evidence for the purpose of cross-examination of the complainant company. Hence, prayer has been made for allowing the present application.

3. Upon put to notice the accused/applicant has contested the application by filing the reply. It is submitted in reply that the present application is not maintainable and liable to be dismissed being malafide one as the complainant has tried to conceal the material facts from this Hon'ble Court and has rather made misleading averments in the application. That the complainant is not legally authorized to represent and pursue the present complaint. That it is pertinent to mention here that at the time of preliminary evidence of the present complainant, the applicant

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namely Amandeep Singh has not been examined in preliminary evidence, CW-1 Rakesh kumar has only been examined in the present case. That the present application is sheer abuse of the process of law and same has been filed by the applicant/accused. Rest of the averments made in the application have been specifically denied being wrong and incorrect and prayer has been made for dismissing the present application.

4. I have given my thoughtful consideration to the respective submissions made by the both counsel for the parties and with their assistance case file has been minutely scrutinized by me.

5. I have heard Ld. counsels the complainant and accused and gone through the case file carefully, this court is of the considered view that no specific reason has been mentioned in the substitution application that why the applicant wants to replace Sh. Amandeep Singh, Branch Collection Manager in the place of Sh. Rakesh Kumar, Branch Manager and alongwith the application, there is no affidavit attached for substitute the name of complainant-company. So, application moved by counsel for the complainant is entitled to **declined**, for the proper adjudication of the case and in the interest of Justice and name of Sh. Amandeep Singh, Branch Collection Manager is not substituted in the place of Sh. Rakesh Kumar.

Now to come upon **28.08.2024** for CWs. Dasti Summon be taken at its own responsibility.

Pronounced:
17.08.2024

(Etu Sodhi)
Judicial Magistrate First Class,
Tarn Taran,UID No. PB0431

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Present: Sh. Bikram Arora Adv, Counsel for complainant-company.
Accused on bail with counsel.

Vide my separate detailed order of even date, an application for substituting the name of Sh. Amandeep Singh employed as Branch Collection Manager, Branch Office at Tarn Taran functioning in Tarn Taran, i.e. Authorized representative/ attorney of the complainant-company in the place of Sh. Rakesh kumar moved by the counsel for complainant stands **declined and disposed off accordingly**. Now to come up on **28.08.2024** for CWs.

order dated:- 17.08.2024

(Etu Sodhi)
Judicial Magistrate First Class,
Tarn Taran,UID No. PB0431