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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 129/2017**

M/S IFCI FACTORS LIMITED

..... Plaintiff

Through: Mr. Anupam Srivastava and Mr.
Dhairya Gupta, Advs.

versus

JAGANNATH SARANGAPANI & ORS

..... Defendants

Through: Mr. P.P.Kanwer, Proxy counsel for
D-1.
Mr. Bharat Singh, Adv. for D-2 & 3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **09.07.2019**

I.A. 7420/2017 (application under Order VI Rule 17 and Order 1 Rule 10 CPC)

1. By way of this application Plaintiff seeks amendment of the Plaint and also impleadment of M/s R.N Infra Communications (P) Ltd (hereinafter referred as proposed Defendant) as Defendant No.5. As per the office note, the service on proposed Defendant has been effected through the Official Liquidator, however, there is no appearance on behalf of the said Defendant. The contesting Defendants have no objection to the prayers made in the application. Accordingly, the application is allowed. Defendant No.5 is impleaded through its Office Liquidator.

2. The present application also seeks amendment of plaint by inserting averments qua the liability of Defendant No.5. The proposed Defendant No.

5 is the assigner under the agreement for the factoring of receivables and deed of guarantees. By way of this application, for impleadment of the said Defendant, the necessary averments in the plaint, have been introduced against the proposed Defendant in relation to its obligations arising out of the transaction between the parties.

3. The Court has perused the amendments and the same are necessary in case Defendant No.5 is made a party to the present suit. Having regard to the contentions raised in the application, the same is allowed, the Plaintiff is permitted to amend the written statement strictly in terms of the amendments proposed in the application. Proposed amended plaint is taken on record. Amended memo of parties has already been filed and taken on record.

4. Since Defendant No.5 is in liquidation, Plaintiff will have to take appropriate steps to continue the suit qua the said defendant.

5. List before the Joint Registrar on 30th August, 2019.

6. List before Court on 13th September, 2019.

SANJEEV NARULA, J

JULY 09, 2019

Pallavi