

Sunita Negi Vs. M/s Continental Intra-Tech Pvt. Ltd. & Anr.

COMS No. 06 of 2019

14.05.2024 Present: Mr. Anand Sharma, Senior Advocate, with Mr. Karan Sharma, Advocate, for the plaintiff.

Mr. Dibender Ghosh, Advocate, for the defendants.

Mr. Y.P.Sood, Advocate, for the applicant in OMP No. 120 of 2023.

OMP No. 120 of 2023

By way of instant application filed under Order 1 Rule 10 CPC r/w Section 151 CPC, prayer has been made on behalf of applicant/HP State Cooperative Bank Ltd. for impleadment as party defendant No. 3.

Reply to the application stands filed on behalf of non-applicant/ plaintiff Smt. Sunita Negi, wherein prayer made in the application has been opposed on the ground that application has been purposely filed at this belated stage.

Reply on behalf of non-applicants/ defendants No. 1 & 2 though is stated to have been filed, but the same is not on record. Registry to trace and place the same on record, if in order. However, perusal of reply was made available by non-applicant/defendants No. 1 & 2 also reveals that prayer made in the application has been opposed on the ground of delay and laches.

Having regard to the prayer made in the instant application vis-a-vis nature of dispute, this Court is of the view that no prejudice, if any, shall be caused to either of the parties

if applicant/HP State Cooperative Bank Ltd. impleaded as party defendant No. 3.

Consequently, in view of above, the application is allowed and the applicant, as detailed herein above, is ordered to be impleaded as defendant No. 3. Since Mr. Y.P.Sood, Advocate, has appeared on behalf of newly impleaded defendant No. 3, there is no necessity to issue notice. However, Registry to carry out necessary corrections in the memo of parties on the basis of amended memo of parties to be filed by learned counsel non-applicant/ plaintiff within a period of one week. Application stands disposed of.

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Mr. Y.P.Sood, Advocate, appears and accepts service of notice on behalf of defendant No. 3. He prays for and is granted four weeks' time to file written statement to the plaint.

May 14, 2024
(*sunil*)

(Sandeep Sharma),
Judge