

CS/1333/2018

CNR No.PBFZ02-002295-2018

Sanjeev Kumar Vs State of Punjab

Present:- Sh.S.S.Monga, Advocate counsel for plaintiff.
Sh.Keemat Singh, Learned GP for defendants.

1. Heard on the application Under order 6 rule 17 CPC for amendment the plaint filed by learned counsel for plaintiff. In brief, it is contended in the application that it is a specific case of the plaintiff/applicant that he had operated the liquor license from 1.4.2016 to 30.10.2017 and thereafter he had transferred the said business in the name of Sh.Baljinder Singh and Gurmail Singh. It is further contended that new partnership deed dated 9.2.2017 was executed vide which both the above said Baljinder Singh and Gurmail Singh were made partners to the extent of 49.5% share each. Since the original license was in the name of the applicant/plaintiff, so as per the direction of excise department, the applicant/plaintiff was shown sleeping partner to the extent of 1% share only. Excise Department got one surety bond i.e. form M-75 executed from the above said Baljinder Singh and Gurmail Singh, vide which all the liabilities were agreed to be taken by

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above said Baljinder Singh and Gurmail Singh alongwith sureties mentioned in surety bonds i.e. form M-75. The proposed amendment is essential for the determination of the real controversy involved in the present suit. The proposed amendment will not change the nature of the case, as such applicant/plaintiff wants to amend para no.4A of the plaint and prayed that application may kindly be allowed.

2. On the other hand, learned government pleaded opposed the present application on the ground of maintainability.

3. I have heard the learned counsel for the parties who argued on the lines of their respective pleadings.

4. Learned counsel for the plaintiff laid emphasis on the point that recovery notice which the plaintiff has challenged is illegal as the fee if any required to be paid to defendants was required to be paid by Baljinder Singh and Gurmail singh who purchased the license from plaintiff with the consent of the department and even department in complaint filed under section 138 N.I.Act also impleaded them as accused. In support of his argument, learned counsel for plaintiff placed on record copy of complaint under section 138

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N.I.Act and form M-75 which was proved on record by the defendant in complaint filed by them under Section 138 N.I.Act. Thus, in these circumstances, the present application deserves to be allowed. In view of the circumstances of the case, this Court also direct the plaintiff to implead concerned persons namely Baljinder Singh and Gurmail Singh as defendants in the present case. Now to come up on 11.5.2023 for filing amended plaint as per the present application and after impleading Gurmail Singh and Baljinder Singh as party to the present suit as defendants no.9 and 10, notice to newly added defendants will be given lateron.

Dated:-18.4.2023
Rohit Kakar
Stenographer-II

(Ashok Kumar Chauhan)
Addl.Civil Judge (Senior Division)
Ferozepur.
UID no.PB0266.

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