

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CR-6944-2025

Date of decision: 29.09.2025

Kitty Sudesh

...Petitioner

Versus

Picadily Agro Industries Ltd and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Vikram Singh, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

1. Petitioner has assailed the order dated 17.09.2025 (Annexure P-7) passed by Ld. Additional District Judge, Panipat, whereby her application under Order 1 Rule 10 CPC for impleading her as the proprietor of the appellant firm as plaintiff No.2; and also under Order 6 Rule 17 CPC, read with Section 151 CPC for amendment of the plaint, was rejected.

2. M/s. J.K. Polypet (proforma respondent) filed a suit for recovery against respondents No.1 to 7 herein, which was dismissed by the trial Court vide judgment dated 18.01.2024, by holding the suit to be non-maintainable on the ground that M/s J.K. Polypet (proforma respondent) was proprietorship firm and that it being not a legal entity, so its proprietor Mrs. Kitty Sudesh (petitioner herein), should have been impleaded as a party. Said proforma respondent filed appeal against the aforesaid judgment passed by the trial Court, where the present petitioner i.e. proprietor of M/s J.K. Polypet moved an application under Order 1 Rule 10 and Order 6 Rule 10 CPC for her impleadment as a proprietor; and for amendment of the plaint.

3. As is conceded by learned counsel that the written statement (Annexure P-2) was filed by the respondents way back in April 2022 and at that stage itself, objections were raised that suit filed by the proprietorship firm, which is not a legal entity, is not maintainable. Despite the same, M/s. J.K. Polypet continued with the suit, without praying for any amendment of



the plaint or for impleading its proprietor, as a party.

4. In the aforesaid circumstances, the present petition cannot be allowed to overcome the legal infirmity due to which, the suit was dismissed by the trial Court, by moving the application at the appellate stage.

5. However, as rightly pointed out by learned counsel that three lines appearing in the last page of the impugned order to the 'effect' *'Though it was held that the correct course would have been to file an application under Section 17 (2) of Railway Claims Tribunal Act, 1987 to seek condonation of delay'*, appears to be the result of copy-paste of some other case as they do not pertain to the present case.

6. As such, finding no merit in the present revision petition, the same is hereby dismissed.

29.09.2025

Yogesh

**(DEEPAK GUPTA)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**