

In the High Court of Judicature at Madras

Dated: 14.08.2015

Coram :

The Hon'ble Mr.Justice **K.K.SASIDHARAN**

C.R.P. (PD) No.83 of 2014
and M.P.Nos.1 and 2 of 2014

1.M/s.JAS Forwarding Worldwide
Pvt. Ltd., New Delhi., rep. By
its Managing Director, Mr.Kapil Bagga.

2.Kapil Bagga
3.Sergio Bariviera
4.Sunil Verma
5.Marco Rebuffi
6.Tahira Fumo

.. Petitioners

-vs-

P.Changaiah

.. Respondent

Petition filed under Article 227 of the Constitution of India
against the docket order in O.S.No.1076 of 2011 dated 23.08.2013 on
the file of IV Additional City Civil Court at Chennai.

For Petitioner : Mr.P.Valliappan

For Respondent : Mr.G.Jayachandran

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ORDER

This Civil Revision Petition is directed against the order dated 23.08.2013 in O.S.No.1076 of 2011 whereby and whereunder the learned IV Additional Judge, City Civil Court, Chennai directed the respondent to implead the first defendant in the suit by showing its Chennai address.

2.The respondent filed a suit against the petitioners in O.S.No.1076 of 2011 praying for a money decree with interest. The suit was contested by the petitioners.

3.The learned Trial Judge recorded the evidence and after hearing the arguments, reserved the matter for judgment. Thereafter, the learned Trial Judge suo motu reopened the matter and directed the respondent to implead the first defendant by taking into account its local address. The said order is under challenge in this civil revision petition.

4.Heard the learned counsel for the petitioners and the learned counsel for the respondent.

5.The suit in question was filed by the respondent. The respondent impleaded the petitioners as parties. The first defendant is impleaded by mentioning its Delhi address. The trial Court considered the matter and posted it for judgment. There is no question of directing the parties by the learned Trial Judge to implead a particular defendant represented by a particular office in the plaint. It is for the parties to the suit to decide to implead a particular defendant by indicating its local office or any other office in India. In case, proper party has not been impleaded in the suit, it is always open to the trial Court to pass the judgment on merits. The Court cannot act as a party and direct the respondent to implead a particular party in a particular manner. I am, therefore, of the view that the learned Trial Judge was not correct in reopening the matter and directing the respondent to implead the local office of the first defendant.

6.In the result, the order dated 23.08.2013 is set aside. The learned Trial Judge is directed to hear the arguments afresh and dispose of the suit on merits and as per law as expeditiously as possible.

7.Civil Revision Petition is allowed as indicated above. No costs.
Consequently, miscellaneous petitions are closed.

14.08.2015

sra

To

IV Additional City Civil Court at Chennai.

K.K.SASIDHARAN, J.

(sra)

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