

Application No.6055 of 2014
in
Civil Suit No.746 of 2012

R.SUBBIAH, J.,

This application has been filed by the applicant/third party to implead her as 3rd defendant in the suit in C.S.No.746 of 2012.

2.The main contention of the learned counsel for the applicant/third party is that the applicant has filed a suit in C.S.No.1132 of 2009 as against the respondents herein, who are the plaintiff and the defendants 1 & 2 respectively in the present suit in C.S.No.746 of 2012. Similarly, the 1st respondent herein/plaintiff has also filed another suit in C.S.No.137 of 2009 against the applicant herein and another. The issues involved in the present suit and the suits in C.S.No.1132 of 2009 & C.S.No.137 of 2009 are interconnected with each others. Thus, the applicant sought for her impleadment in the present suit as 3rd defendant.

3.But, the learned counsel for the 1st respondent/plaintiff opposed the above application, contending that the present suit in C.S.No.746 of 2012 has been filed the 1st respondent/plaintiff as against the respondents 1 & 2 for recovery of a sum of Rs.1,50,00,000/- being the balance amount due under the Sale Agreement dated 10.12.2007, which later culminated into a Sale Deed dated 07.05.2008 executed by the 2nd respondent herein as Power Agent of the 1st respondent herein in favour of his wife/3rd respondent herein. To adjudicate the issue involved in the present suit, the applicant/third party

is not a necessary party to the suit. Thus, the learned counsel for the 1st respondent/plaintiff opposed the above application to implead the applicant as 3rd defendant in the present suit.

4.However, the learned counsel for the applicant submitted that if a joint trial is conducted that would suffice. The learned counsel for the respondents would also agree for the same. The learned counsel for the respondents have also made an endorsement agreeing for joint trial.

5.Hence, without going into the merits and demerits of the claims made by the parties, this Court is constrained to pass the following order_

Registry is directed to post all the above said three suits viz., C.S.No.746 of 2012, C.S.No.137 of 2009 and C.S.No.1132 of 2009 together for joint trial. All the defendants in the above said suits are directed to file their written statements in the respective cases within four weeks.

This application is disposed of accordingly.

05.02.2015

SSV

R.SUBBIAH, J.,

(SSV)

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