

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(PD) No. 4470 of 2015

And

M.P.No. 1 of 2015

Thirumoorthy ... Petitioner/Petitioner/Plaintiff

Versus

1. Yaley Garden Plaza Private Limited
Rep. by its Managing Director
Y.S. Mathivanan
Having office at Eliz Illam
223, Mettur Road
Erode -11.

2. Y.S. Mathivanan

... Respondents/Respondents/Defendants

3. Y.S.Ezhilarasi

... Respondent/Proposed 2nd Defendant

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 11.08.2015 made in I.A.No. 427 of 2015 in O.S.No. 311 of 2013 on the file of the Principal District Munsif Court, Erode.

For Petitioner : Mr. P.Ravichandran
For Respondents : Mr.P.Mathivanan

O R D E R

The petitioner filed an application in I.A.No. 427 of 2015 to implead the third respondent as second defendant. The application was dismissed by the trial Court. The said order is under challenge in this Civil Revision Petition.

2 . When the Civil Revision Petition came up for hearing on 28.09.2016, a query was posed to the counsel for the respondents as to whether it would be proper to contest the application when a contention was taken in the written statement that the suit is bad by non-joinder of necessary parties. The objection was on the ground that the other Directors were not made a party. Though the respondents have taken up the other contentions also, their principal contention was with respect to the non-joinder of other Directors as a party.

3 . The learned counsel for the respondents on instruction submitted that the respondents 1 and 2 would not press the relief with regard to non-joinder of other Directors of Company as parties. The second respondent has filed an affidavit to that effect on 30.09.2016.

4. The application was taken by the petitioner in I.A.No. 427 of 2015 only on account of the contention taken by respondents 1 and 2 that the other Directors were not made as a party to the suit. Now that the respondents 1 and 2 have made it clear that they would not press their contention with respect to non-joinder of other Directors as parties, there is no need to interfere with the order passed by the learned trial Judge.

5. The Civil Revision Petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

03.10.2016

vsg

To

Principal District Munsif Court, Erode.

K.K.SASIDHARAN. J.

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