

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

CIVIL REVISION PETITION NO.1295 of 2016

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ORDER:

This revision petition is filed against the dismissal of an application taken out by the petitioners for impleading themselves as co-plaintiffs in a suit on the file of the XIV Additional District Court, Vijayawada, Krishna District.

Heard Sri V.R. Avula, learned counsel for the petitioners. Sri K. Hariprasad, learned counsel takes notice for 2nd respondent/plaintiff and is represented by Sri Kanakamedala Ravindra Kumar, learned Senior Counsel.

The 2nd respondent/plaintiff is a private limited company. They filed a suit against the 1st respondent-herein for recovery for money due towards sale and supply of fish. During the pendency of the said suit, the petitioners herein, who are the father and brother of the Managing Director of the 2nd respondent herein/plaintiff, took out an application for impleading themselves as co-plaintiff Nos.2 and 3 in the suit. That application in I.A.No.704 of 2015 was dismissed by the Trial Court forcing the petitioners to come up with the above revision.

The reasons as to why the petitioners wanted to get impleaded as co-plaintiffs are not too far to seek. It appears that there is a fight between the 1st petitioner/father and the 2nd petitioner/elder son on the one hand and the Managing Director of the 2nd respondent on the other hand. There are lots of litigations both civil, criminal and before the Company Law Board. The sole defendant in the suit, who is the 1st respondent herein, is none other than the father-in-law of the 2nd petitioner herein. This is the reason why the petitioners want to get impleaded as co-plaintiffs.

There is no *lis* between the petitioners herein and the 1st

respondent. The transaction was between the 2nd respondent/plaintiff, which is a Private Limited Company, and the 1st respondent herein, who is an individual. It is not in dispute that the 2nd respondent-company is represented by the Managing Director with a valid authorization from the Board of Directors. Individual Directors or shareholders have no role to play in a suit for recovery of money filed by a company.

If the apprehension of the petitioners is that the money recovered by the 2nd respondent/plaintiff from the sole defendant may not be accounted for in the books of the Company then the remedy lies elsewhere and not in the suit for recovery of money. Therefore, the trial Court was right in rejecting such an application. The disputes *inter se* between the shareholders and / or the Directors of the 2nd respondent-company may have to be fought in a different forum and not in this suit. Hence the Civil Revision Petition is dismissed. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE V. RAMASUBRAMANIAN

7th June, 2016
Js.