

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.649 of 2017 &

C.M.P.No.3279 of 2017

Bluechip Corporate Investment Centre Ltd.,
Rep by its Managing Director
5A/105, Mumbai Samachar Marg,
Fort, Mumbai - 400 001

... Petitioner

v.

1) Syed Maqbul Hussain

2) Bluechip Insurance Broking Pvt Ltd.,
Rep by its Managing Director,
5A/105, Mumbai Samachar Marg,
Fort, Mumbai - 400 001

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India,
against the fair and decreetal order of the Learned XII Assistant City Civil Judge,
Chennai dated 19.12.2016 made in I.A.No.9357 of 2016 in O.S.No.6736 of 2014.

For Petitioner : Mr.S. Saravanakumar

For Respondents : Mr.K. Venkatesan

ORDER

Challenging the orders passed in I.A.No.9357 of 2016 in O.S.No.6736 of 2014 on the file of XII Assistant Judge, City Civil Court, Chennai, defendant has filed the above Civil Revision Petition.

2. The plaintiff filed in O.S.No.6736 of 2014 for recovery of a sum of Rs.2,39,166/- (Rupees two lakhs thirty nine thousand one hundred and sixty six only). The defendant/petitioner filed their written statement and are contesting the suit. Subsequently, the plaintiff took out an application in I.A.No.9357 of 2016 to implead the 2nd respondent as 2nd defendant in the suit.

3. In the affidavit filed in support of the application, the plaintiff has stated that the 2nd defendant company is a proper and necessary party for proper adjudication of the matter. Hence, they should be impleaded as 2nd defendant in the suit. The 1st defendant filed his written statement stating that the suit filed as against the defendant is barred by limitation and therefore, the 2nd respondent cannot be impleaded as 2nd defendant in the suit. In the written statement filed by the 1st defendant it is clearly stated that the petitioner has let out another portion of the second floor to another company, viz., Blue Chip Insurance Broking Pvt. Ltd., which is an independent entity. The plaintiff sought to implead the said company as a 2nd defendant in the suit. The plaintiff

made a claim in respect of the service tax arrears due by both the companies. Admittedly, the defendant companies are sister concerns. The plaintiff contended that without adding the proposed party, the suit cannot be effectively adjudicated.

4. The Trial Court, taking into consideration the case of both the parties, allowed the application and impleaded the 2nd respondent as 2nd defendant in the suit.

5. The learned counsel appearing for the revision petitioner submitted that the Trial Court may be directed to decide the defence taken by the defendants with regard to the plea of limitation and decide the suit, within a time time.

6. Mr.K.Venkatesan, learned counsel, taking notice for the 1st respondent/plaintiff, submitted that he has no objection for giving such a direction to the Trial Court.

7. In these circumstances, I do not find any error or irregularity in the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision petition is dismissed. The Trial Court is directed to decide the issues including the issue

raised by the 1st defendant with regard to the plea of limitation and decide the suit on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2017

Index : No
Internet : Yes

Rj

To

The XII Assistant Judge,
City Civil Court Chennai

M. DURAISWAMY,J.,

Rj

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