

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 10TH DAY OF APRIL 2018

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

A.No.1838 of 2017
in
C.S. No.694 of 2016

M/s.General Mediterranean Holding S.A., SPF,
having its registered office at
No.29, Avenue, de la Porte - Neuve in
L-2227 Luxembourg
& Corporate office at
Lincoln House, 137-143, Hammersmith Road,
London, W14 0QL United Kingdom,
Represented by its authorized signatory
Mr.Justin Paul : Plaintiff

-Vs-

1.M/s.SSN Prop Tech Inc,
Flat No.5, Murali Anand Apartment,
New No.10, East Street,
Raghavan Redy Colony,
Ashok Nagar,
Chennai-600 083,
Represented by its Managing Partner,
Mr.P.Sasikumar.

2.Mr.P.Sasikumar
S/o.Mr.Periasamy,
No.6/3, Sakthi Nagar,
Arumbakkam,
Chennai 600 106.

3.Mr.B.Sudhakar,
Son of Late K.L.Balaraman,
No.12/33, Perumal 2nd Street,
Purasaiwakkam,
Chennai 600 007.

.. Defendants

A.No.1838 of 2017:-

Mr.B.Sudhakar,
Son of Late K.L.Balaraman,
No.12/33, Perumal 2nd Street,
Purasaiwakkam,
Chennai 600 007.

...Applicant/3rd Defendant

vs

1. M/s.General Mediterranean Holding S.A., SPF,
having its registered office at
No.29, Avenue, de la Porte - Neuve in
L-2227 Luxembourg
& Corporate office at
Lincoln House, 137-143, Hammersmith Road,
London, W14 0QL United Kingdom,
Represented by its authorized signatory
Mr.Justin Paul

...Respondent/Plaintiff

2.M/s.SSN Prop Tech Inc,
Flat No.5, Murali Anand Apartment,
New No.10, East Street,
Raghavan Redy Colony,
Ashok Nagar,
Chennai-600 083,
Represented by its Managing Partner,
Mr.P.Sasikumar.

3.Mr.P.Sasikumar
S/o.Mr.Periasamy,
No.6/3, Sakthi Nagar,
Arumbakkam,
Chennai 600 106.

...Respondents/Defendants 1,2

Application praying that this Hon'ble Court be
pleased to reject the Complaint OS No.694 of 2016 against the
Applicant / 3rd Defendant in the suit be not passed.

This Application coming on this day before this court
for hearing the court made the following order:

This application has been filed to reject the Complaint in
O.S.No.694 of 2016 against the Applicant / 3rd defendant.

2.The entire averments in the application reveals that
since another suit is filed before the Ponneri Court, the
present suit is not maintainable.

3.Admittedly, the suit pending before the District
Munsif Court, Ponneri is ordered to be transferred to this
Court. The reliefs sought in C.S.No.694 of 2016 for
declaration, declaring the Power of Attorney dated
27.11.2014 is null and void and illegal. The 3rd defendant

has also played a prominent role in the entire transaction, despite which the criminal complaint is also filed under Section 420 of Indian Penal Code.

4. In view of the above circumstances, the entire transaction is based on the Power of Attorney granted to the plaintiff. Those documents are fabricated. In such view of the position, the 3rd defendant is the necessary party to the suit to unearth all the facts and truth and for effective adjudication of the case.

5. Accordingly, this Court does not find any merit in the application filed under Order VII Rule 11 (A) & (D) of C.P.C., rejecting the plaint as against the 3rd defendant.

6. Hence, this application is dismissed.

7. Post C.S.No.694 of 2016 for written statement on 04.06.2018.

Sd/.N.S.K.J

10.04.2018

//Certified to be a true copy//

Dated this the th day of 2018.

KY/13.06.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.