

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.174 of 2018
in
C.S. No.594 of 2017

ReGen Powertech Private Limited,
rep. by its Authorised Signatory,
Mr.Raj Kumar Ganesan,
a company having its registered office at
KRM Plaza, North Tower No.2, 7th Floor,
Harrington Road, Chetpet, Chennai-600 031
Tamil Nadu, India

... Plaintiff

-Versus-

1. ICRA Limited,
having its office at
5th Floor, Karumuttu Centre,
634, Anna Salai, Nandanam,
Chennai-600 035.
2. Credit Ananlysis & Research Ltd.,
Unit No.0-509/C, Spencer Plaza,
5th Floor, No.769, Anna Salai,
Chennai-600 002.
3. CRISIL Limited,
Thapar House, Mezzanine Floor,
No.37, Montieth Road,
Egmore, Chennai-600 008.

... Defendants

A. No.174 of 2018:-

M/s.CRISIL Limited,
Thapar House, Mezzanine Floor,
No.37, Montieth Road,
Egmore, Chennai-600 008.

... Applicant

-Versus-

1. ReGen Powertech Private Limited,
rep. by its Authorised Signatory,
Mr.Raj Kumar Ganesan,

a company having its registered office at
KRM Plaza, North Tower No.2, 7th Floor,
Harrington Road, Chetpet, Chennai-600 031
Tamil Nadu, India

2. ICRA Limited,
having its office at
5th Floor, Karumuttu Centre,
634, Anna Salai, Nandanam,
Chennai-600 035.
3. Credit Ananlysis & Research Ltd.,
Unit No.0-509/C, Spencer Plaza,
5th Floor, No.769, Anna Salai,
Chennai-600 002.

... Respondents

Application praying that this Hon'ble Court be pleased to strike out the name of the applicant/defendant No.3 M/s.CRISIL Limited from the array of parties in C.S. No.594 of 2017.

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

This application has been filed by the third defendant to strike out the third defendant from the array of the party.

2. The main contention of the learned counsel for the petitioner is that no relief whatsoever has been claimed against him. He is neither an appropriate nor necessary party to the suit. He is unnecessarily made as a party.

Hence, the third defendant should be removed from the array of the party.

3. Whereas it is the contention of the learned counsel for the respondent, that the suit is based on the agreement between the plaintiff and the first defendant and there is also an agreement with the second defendant and the entire suit claim is based on the credit rating and the third defendant also accord credit rating and for effective adjudication of the lis, the third defendant is a property party. Therefore, though the third defendant is not a necessary party for adjudication of the lis, he is a proper party. Hence, prayed for dismissal of the application.

4. The entire averments in the plaint indicate that the suit is based on the contract in respect of assigning of credit rating. The third defendant is admittedly connected in such activities. Therefore, this Court is of the view that whether or not the second defendant assigned credit rating correctly or not, the third defendant, who is connected in a similar business is proper party to adjudicate the lis between the plaintiff and the first defendant. Hence, this Court is of the view that in the circumstance of the case, the third defendant is a proper party and his evidence also enables this Court to

adjudicate upon the lis effectively.

5. Accordingly, this application is dismissed.

The registry is directed to post the main suit for filing of written statement on 04.06.2018.

Sd/-N.S.K.J

10.04.2018

//Certified to be a true copy//

Dated this the day of 2018
JJ 06/07/18

COURT OFFICER

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