

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE S.BASKARAN

O.S.A.Nos.301 & 302 of 2018
and
C.M.P.Nos.14156 and 14157 of 2018

M/s CRISIL Limited
Thapar House, Mezzanine Floor,
No.37, Montieth Road,
Egmore, Chennai 600 008 ..Appellant in both the O.S.A's
-vs-

ReGen Powertech Private Limited
Rep.by its Authorised Signatory,
Mr.Raj Kumar Ganesan
Company having its registered office at
KRM Plaza, North Tower No.2 & 7th Floor,
Harrington Road, Chetpet,
Chennai 600 031
TamilNadu, India
..1st Respondent in O.S.A.Nos.301 of 2018.

ReGen Infrasture and Services Private Limited
Rep.by its Authorised Signatory,
Mr.Raj Kumar Ganesan
a Company having its registered office at
KRM Plaza, North Tower No. 8th Floor,
No. 2, Harrington Road, Chetpet,
Chennai 600 031
TamilNadu, India
..1st Respondent in O.S.A.Nos.302 of 2018.

2. ICRA Limited
having its office at
5th Floor, Karumuttu Centre,
634, Anna Salai,
Nandanam, Chennai 600 035.

3. Credit Analysis & Research Ltd.,
Unit No.0-509/C, Spencer Plaza
5th Floor, 769, Anna Salai,
Chennai 600 002 ..2 & 3 Respondents in both the O.S.A's

Memorandum of Grounds of Original Side Appeals filed under Order 36 Rule 9 of OS Rules read with Clause 15 of the Letters Patent against the fair and decretal orders dated 10.04.2018 made in A.Nos.174 & 175 of 2018 in C.S.Nos.594 & 595 of 2017.

A.Nos.174 & 175/2018:

Filed to strike out the name of the applicant/defendant No.3 M/s. CRISIL Limited transfer array of parties in C.S.Nos.594 & 595/2017 respectively.

For Appellant : Mr.P.J.Rishikesh

For Respondents: Mr.John Zachariah for
M/s Fox Mandal & Associates
for R1/Caveator

JUDGMENT

(Judgment of the Court was delivered by N.KIRUBAKARAN, J.)

These original side appeals have been preferred by the third defendant in the suits bearing C.S.Nos.594 & 595 of 2017 dismissing the applications filed by them to strike off their name as the third defendant in the said suits, as they are no way connected to the dispute between the first and second respondents in these appeals.

2. Heard Mr.P.J.Rishikesh, learned counsel for the appellant and Mr.John Zachariah, learned counsel for the first respondent/cavetor.

3. A perusal of the plaint(s) would disclose that the relief sought for by the first respondent/plaintiff is only against the second respondent/first defendant and no allegations have been made against the appellant in Paragraph No.45/46 of the plaint (s) as to the cause of action. Even in Paragraph No.42/43, they have stated that the appellant as well as the third respondent are merely made as parties to the suit(s) to enable the Court to ascertain the veracity of the facts of the cases.

4. The first respondent/plaintiff is a company, which appointed the second respondent/first defendant as a rating agent. Since there was a dispute between the first and second respondents, the appellant and the third respondent were also engaged as rating agents. To resolve the dispute between the first and second respondents, the first respondent filed the suits making the appellant as well as the third respondent as parties to the suits, though they were merely the rating agents. Merely because the presence of the parties would help this Court to adjudicate the issue, that cannot be a ground to make the appellant as a party. Only when allegations are being made

against the appellant or the relief is sought against the appellant, they can be made as a party. Even without making them as a party, if evidence is required to be adduced by the appellant, it is always open to the first respondent to summon the appellant to produce the documents or to adduce evidence. Merely because the appellant is acting as a rating agent appointed by the first respondent, that cannot be a ground to make them as a party. Therefore, the orders passed by the learned single Judge are set aside and the appeals are allowed. It goes without saying that it is always open to the first respondent or any other party to the suit to summon the appellant at the time of trial. Consequently, the connected civil miscellaneous petitions are closed. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ss/ay

To

1. The Sub Assistant Registrar (O.S.)
High Court, Madras.

+2 Ccs to Fox Mandal & Associates, Advocate sr 56008, 56009.

+2 Ccs to Mr.P.J.Rishikesh, Advocate sr 55924 & 55925.

O.S.A.Nos.301 & 302 of 2018

SSI(CO)
SP(07/09/2018)

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