

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 26TH DAY OF MARCH 2018

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

A.No.2415 of 2018
in
C.S.No.44 of 2017

S.Murugan,
Mahalakshmi Apartments,
No.3, Kothaval Chavadi Street
West Saidapet,
Chennai 600 015

...Plaintiff

-vs-

Mrs.Ghazala Nasreen,
No.31, II Bay Watch Farm,
Vettuvangani,
Chennai 600 115

...Defendant

A.No.2415 of 2018:

S.Murugan,
Mahalakshmi Apartments,
No.3, Kothaval Chavadi Street
West Saidapet,
Chennai 600 015

...Applicant

-vs-

1.Mrs. Ghazala Nasreen,
No.31, II Bay Watch Farm,
Vettuvangani,
Chennai 600 115

...1st Respondent

2.Mohammed Aamir,
No.31, II Bay Watch Farm,
Vettuvangani,
Chennai 600 115

..Proposed Party

Application praying that this Hon'ble Court be
pleased to implead the proposed party as the second
defendant in the above suit.

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

On 12.03.2018 this Court had framed issues. The sixth issue which was framed for consideration is as follows:-

"(vi) whether the suit is bad in law for non-joinder of necessary party? "

In view of the above said issue, this application has been filed seeking to implead the son of the first defendant as a party defendant. This is now being objected by the defendant who has raised that particular issue. According to the learned counsel for the defendant, the proposed party can at the most be a witness and cannot be directly involved in deciding the virus of the agreement.

2. I have considered the rival submissions. The said issue is struck off and the issues are re-framed by deleting issue No.6 and making issue No.7 as No.6 and Issue No.8 as issue No.7. In view of the re-drafting the issues, the application does not survive and is accordingly closed.

3. It is made clear that the plaintiff, if required, can summon the proposed party who is now to be impleaded as a witness.

4. The plaintiff was directed to appear before the learned Master on 19.03.2018 for commencement of trial. There is a direction by the Division Bench that the trial should be completed on or before 20.04.2018. The learned Master must be given time and space to record the evidence with clarity. Accordingly the time line is reworked and the plaintiff is directed to appear before the learned Master on 02.04.2018 for recording evidence. The evidence is to be recorded on day to day basis without granting any adjournment at all. If any genuine reason is advanced one day adjournment can be granted. The evidence before the learned Master should be completed on or before 13.04.2018 which gives the learned Master ten working days to record the evidence.

Sd./-C.V.K.J

26/03/2018

//Certified to be true copy//

Dated at Madras this the day of 2018.

jj 28/03/2018

COURT OFFICER(O.S.)

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