

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 25th DAY OF OCTOBER 2018

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

A. No.8169 of 2018

in

A.No.7656 of 2018

in

C.S.Diary No.41140 of 2018

C.S.Diary No.41140 of 2018 and
A.No.7656 of 2018:

1.R.Ratnaswami
50 VGP Layout
3rd Main Road
Palavakkam
Chennai 600 041

2.A.Surya Narayana Rao
Mahodaya Auditorium, No.62,
IV Avenue, Ashok Nagar,
Chennai - 600 083

3.T.R.Mohanakrishnan
No.1, Balaji I Avenue
T.Nagar
Chennai - 600 017

4.V.G.Madhusudan
"White House", No.1, III Street
Luz Avenue, Mylapore
Chennai -600 004

:Applicants/Plaintiffs 1 to 4

-Versus-

1.Grand Lodge of India,
Unincorporated association of individuals,
represented by the Grand Master
Mr.Harcharan Singh Ranauta
Grand Lodge of India
Freemasons Hall, Janpath,
New Delhi - 110 001

2.Mr.V.K.Gupta, Grand Secretary
Grand Lodge of India
Freemasons Hall, Janapath,
New Delhi - 110 001

3.Regional Grand Lodge of Southern India
represented by the Regional Grand Secretary
Unicorporated association of individuals
Mr.N.Pandurangan
Freemasons Hall,
14, Ethiraj Salai
Egmore, chennai - 600 008.

....Respondents/Defendants

A.No.8169 of 2018:

Syed Ali Abbas
S/o.late Syed Ali Mohammed
22/1/50 Alghadeer Darul Shifa
Jambagh, Hyderabad
Telangana

.....Applicant

-Vs-

1.R.Ratnaswami
50 VGP Layout
3rd Main Road
Palavakkam
Chennai 600 041

2.A.Surya Narayana Rao
Mahodaya Auditorium, No.62,
IV Avenue, Ashok Nagar,
Chennai - 600 083

3.T.R.Mohanakrishnan
No.1, Balaji I Avenue
T.Nagar
Chennai - 600 017

4.V.G.Madhusudan
"White House", No.1, III Street
Luz Avenue, Mylapore
Chennai -600 004

5.Grand Lodge of India,
Unicorporated association of individuals,
represented by the Grand Master
Mr.Harcharan Singh Ranauta

Grand Lodge of India
Freemasons Hall, Janpath,
New Delhi - 110 001

6.Mr.V.K.Gupta, Grand Secretary
Grand Lodge of India
Freemasons Hall, Janpath,
New Delhi - 110 001

7.Regional Grand Lodge of Southern India
represented by the Regional Grand Secretary
Unincorporated association of individuals
Mr.N.Pandurangan
Freemasons Hall,
14, Ethiraj Salai
Egmore, chennai - 600 008. :Defendants

A.No.8169 of 2018:

Application praying that this Hon'ble Court be pleased to
implead the applicant as respondent in Application No.7656 of
2018 in C.S.Diary No.41140 of 2018.

A.No.7656 of 2018:

Application praying that this Hon'ble Court be pleased to
grant leave to sue the Defendants 1 and 2.

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

Heard Mr. B. Ravi, Learned Counsel for the Applicant and
M/s. Arun Shabarai K.R., Learned Counsel for the First to Fourth
Respondents, Mr. S.R. Mounaswaminathan, Learned Counsel for the
Fifth and Sixth Respondents and Mr. C.T. Mohan, Learned Counsel
for the Seventh Respondent.

2. The Applicant herein seeks to be impleaded as the
Fourth Respondent in Appln. No. 7656 of 2018, which has been
filed seeking leave to sue against the First and Second
Defendants in C.S. Diary No. 41140 of 2018. The reasons stated

by the Applicant herein to be impleaded in Appln. No. 7656 of 2018 is that in respect of the relief sought in C.S. Diary No. 41140 of 2018, he has filed an earlier suit bearing O.S. No. 1159 of 2018 in the City Civil Court at Hyderabad, which relates to the same subject matter and as such, it is necessary he should also be heard in this case.

3. It requires to be pointed out that the proposed suit, viz., C.S. Diary No. 41140 of 2018, has not yet been taken on file and in Appln. No. 7656 of 2018, the Plaintiff has sought for the leave to sue against the First and Second Defendants, whose office is situated outside the territorial limits of the jurisdiction of this Court.

4. Having regard to the rule of dominus litus, it is prerogative for the Plaintiff to decide whom to join as Defendant and it is only with his concurrence that somebody can ordinarily be added as a Defendant in his suit, it would necessarily follow that the Applicant, who is a third party, cannot claim any right to object for the Plaintiffs seeking leave to sue against the First and Second Defendants, whose office is situated outside the territorial limits of the jurisdiction of this Court.

5. In these circumstances, this Application for impleading the Applicant as the Fourth Respondent in Appln. No. 7656 of 2018 cannot be maintained and the same is accordingly rejected. However, it is made clear that such rejection does not

preclude the right of the Applicant herein to seek for impleading himself in C.S. Diary No. 41140 of 2018, after it is taken on file, if he is otherwise legally entitled to be made as necessary party to that suit.

Sd/- P.D.A.J

25.10.2018

//Certified to be a true copy//
Dated this the day of 2018.

DL/01.10.2018

COURT OFFICER

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



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