

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 5th DAY OF APRIL 2019

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

A. No.2473 of 2019

in

O.A.No.49 of 2019

In the matter of Arbitration
and Conciliation Act, 1996
and

In the matter of dispute
between Daimler Financial
Services India Private Limited
and Trans Cars India Private
Limited. In Working Capital
Funding Facility Agreement
Dated 28/07/2017 Spare Parts
Funding Agreement Dated
1.8.2017 and Real Estate
Funding Facility Dated
31.10.2013.

M/s.Daimler Financial Services
India Private Limited,
having its office inter alia at
Unit 202, 2nd Floor, Campus 3B,
RM Millenia Business Park,
143, Dr.M.G.R.Road,
Perungudi, Chennai 600 096.

... Applicant

-Versus-

1.M/s.Transcar India Private Limited,
Reg. office at 355 A, GST Road,
Alandur, Chennai 600 016
rep. by its directors.

2. Mr.Kahalid AK Buhari,
S/o.M.K.M.Abdul Khader,
No.26, Khader Nawaz Khan Road,
Nungambakkam, Chennai 600 034.

3. Mr.Abdul Qadir
S/o.B.S.Abdur Rahman,
8, Subba Rao Avenue 3rd Street,
Nungambakkam, Chennai 600 006. ..Respondents

4. Start Health Investments Private Limited,
No.10 & 11, Dr.Radhakrishnan Salai,
Chennai Citi Center,
4th floor, Mylapore, Chennai 600 044
CIN-U65923TN2005PTC057106. ...4th Respondent/Garnishee

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Reg. office at 355 A, GST Road,
Alandur, Chennai 600 016 ...Applicant

Vs.

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5. Mercedes Benz (India) Private Ltd.
E-3, MIDC Chakan - Phase III,
Chakan Industrial Area, Kuruli & Nighoje
Taluk - KHED, Pune 410 501.

...Proposed Respondent/Proposed Respondent

Application praying that this Hon'ble Court be pleased to allow impleadment of the proposed respondent and array the same as the 5th Respondent in the present proceedings.

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

The prayer sought for herein is to allow impleadment of the proposed respondent and array the same as the fifth respondent in the present proceedings.

2. The prayer for impleadment of the fifth respondent as one of the respondents, i.e., fifth respondent in the main application is sought for.

3. The fifth respondent is the Mercedes Benz (India) Private Limited which is the manufacture of the vehicles and the parties herein already in this application, either the erstwhile agency of the said manufacture or the present agency and there has been independent dispute between these two agencies, where some interim arrangement had already been made in the main application.

4. Only in that circumstances, this application has been filed to implead this fifth respondent as one of the respondents in the main application and after hearing the

<https://hcservices.ecourts.gov.in/hcservices> counsel for the parties, this Court is of the view

that, the fifth respondent is a necessary party to be

impleaded as one of the respondents in the main application for completely and effectually adjudicate the issue raised in this application. Hence this application is allowed and Mercedes Benz (India) Private Limited is impleaded as a party respondent in the main application.

5. The applicant is permitted to carry out the amendment and file the amended application copy within a period of one week from the date of receipt of a copy of this order.

Post the connected applications after the amendment is carried out.

Sd/-R.S.K.J

05.04.2019

//Certified to be a true copy//

Dated this the day of 2018
JJ 19/09/19

COURT OFFICER

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