

A.No.1203 of 2020
in
C.S.No.922 of 2016

C.V.KARTHIKEYAN,J.,

This application has been filed by the 3rd defendant in the suit seeking to strike off them as defendant in the suit itself.

2. Heard the learned counsel for the applicant and also the learned counsel for the plaintiff.

3. To a large extent, discussion on the reasons given in the affidavit filed in support of the application may not be necessary since the plaintiff have themselves filed a memo stating that the said applicant/3rd defendant may be deleted from the array of parties. At any rate for the sake of giving some calrify as is expected, in the affidavit filed in support of the application it had been stated that the 3rd defendant and Microsoft Corporation and separate and independent entities, operating in different countries without interfering with each other from carrying out the respective businesses. It is therefore stated that the 3rd defendant is naturally an unnecessary party to the suit.

4. In view of these reasons, this application has been filed under Order 1 Rule 10 (2) of C.P.C read with Civil Procedure Code seeking to strike off the third defendant.

C.V.KARTHIKEYAN,J.,

nvi

5. The application is allowed. The plaintiff has also concurred with this by filing the memo as no specific relief is sought against the 3rd defendant.

6. Registry is directed to carry out the necessary amendment by striking off the third defendant from the array of the parties.

7. However since summons had been issued. Registry may retain the Serial Number of the other defendant as shown in the plaint, even though the 3rd defendant has been deleted.

8. Call the matter once again on 10.09.2020.

9. Registry to put up a note regarding the written statements filed by each one of the defendants.

25.08.2020

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