



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 2ND DAY OF JANUARY 2020

THE HON'BLE MR. JUSTICE M.SUNDAR

A.No.6392 of 2018

in

C.S.No.843 of 2007

Sridhar Nagarajan,
Proprietor,
Shree Velan Properties,
4/1, Balaji Apartments,
Seethammal Colony First Cross Street,
II Main Road, Alwarpet,
Chennai-600 018.

..Plaintiff

-Versus-

1.Indiabulls Real Estate Ltd.,
having Branch Office at
New No.27, New MGR Main Road,
Taramani, Perungudi-Taramani By Pass Road,
Kandanchavadi, Chennai 600 096.

2.M/s.Selene Estate Private Limited,
Having Branch office at
New No.27, New MGR Main Road,
Taramani, Perungudi-Taramani By Pass Road,
Kandanchavadi, Chennai 600 096.

..Defendants

A.No.6392 of 2018:

Sridhar Nagarajan,
Proprietor,
Shree Velan Properties,
4/1, Balaji Apartments,
Seethammal Colony First Cross Street,
II Main Road, Alwarpet,
Chennai-600 018.

..Applicant/Plaintiff

-Versus-

1.Indiabulls Real Estate Ltd.,
having Branch Office at
New No.27, New MGR Main Road,
Taramani, Perungudi-Taramani By Pass Road,
Kandanchavadi, Chennai 600 096.



2.M/s.Selene Estate Private Limited,
having Branch Office at
New No.27, New MGR Main Road,
Taramani, Perungudi-Taramani By Pass Road,
Kandanchavadi, Chenani 600 096.

..Respondents/
Defendants 1 & 2

3. Ozone Retail Development Private Ltd., (*)
63, G.N.Chetty Road,
T.Nagar, Chennai 600 017.

..Respondent/Proposed
Third defendant

(*) amended as per order dated 13.02.2019
in Application No.1142 of 2019

Application praying that this Hon'ble Court be pleased
to implead the Third Respondent herein as Third Defendant
in the above suit C.S.No.843 of 2007.

This application coming on this day before this court
for hearing, the Court made the following order:

Sole plaintiff in the main suit is the lone applicant
in the instant application. Defendants 1 and 2 in the main
suit are respondents 1 and 2 respectively in the instant
application. Instant application has been taken out inter
alia under Order VI Rule 17 of 'The Code of Civil
Procedure, 1908' (hereinafter 'CPC' for the sake of
brevity) with a prayer to implead third respondent in the
instant application as third defendant in the main suit.

2. Instant application was filed by the plaintiff as
the plaintiff verily believed that the third respondent has
purchased the entire share holding in the second defendant
company. In other words, instant application was filed as



the plaintiff verily believed that the third respondent herein (proposed third defendant) has taken over the second defendant company.

3. In the counter affidavit filed by the third respondent, it has now been articulated that the second defendant company remains the same and only the share holding pattern has changed, relevant paragraph is para 6 and the same reads as follows:

'6. Hence, after acquiring the 2nd Defendant Company, Ozone Group of Companies had to market the remaining stock and hand over the residential units to the customers who had already entered into agreement with the 2nd Defendant Company. The 2nd Defendant Company remains the same, only the shareholding pattern is changed. The obligations of the 2nd Defendant to its existing customers and the prospective customers in completing and handling over the residential units remains in tact'.

4. Mr.S.Arunprasad, learned counsel for applicant/plaintiff, Mr.S.Mohan, learned counsel for respondents 1 and 2/defendants 1 and 2 and Mr.Vandhiya Thevan for M/s.BFS legal, learned counsel for third respondent/proposed third defendant are before this Court.

5. With regard to para 6 of the counter affidavit of



the third respondent, counsel for defendants 1 and 2, more particularly, on behalf of the second defendant confirms that the averment is correct. In other words, it is the stated position of the second defendant company that it has not been taken over by the proposed third defendant.

6. Learned counsel for applicant/plaintiff submits that in the light of the stated position of the second defendant and 3rd respondent/proposed third defendant, it is not necessary to pursue instant impleading application, but it will be suffice if the stated position is recorded. This request is acceded to. Counsel for defendants 1 and 2 as well as proposed third defendant also agree to this. Stated position as set out is recorded.

7. Recording paragraph 6 of the counter affidavit of third respondent dated 09.01.2019, instant application is closed.

Sd./-M.S.J

02.01.2020

//Certified to be true copy//

Dated at Madras this the day of 2020.

JJ 20/01/2020

COURT OFFICER(O.S.)

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