

A.No.2696 of 2012
in
C.S.No.61 of 2008

R.SUBRAMANIAN, J.

It is stated that the amendment pursuant to the order dated 03.08.2021 has been carried out and the amended copy of the application has been filed. The learned counsel for the proposed party is consistently absent.

2.A.No.2696 of 2012 has been filed seeking to strike out a party, who was wrongly added and to add the right description of the 1st respondent in the cause title. Since the proposed party namely, the proper person, who is to represent the firm called M/s.Padmini Pictures was not impleaded in the said application. A.No.4315 of 2012 was filed and the same was allowed on 03.08.2021. The 3rd respondent has filed a counter opposing the application. The main ground of opposition is the delay in filing the application.

3.This application is essentially one filed under Order 1 Rule 10(2) of the Code of Civil Procedure, seeking to strike out a wrongly added party and add a party, who ought to have been impleaded. The powers of the Court under Order 1 Rule 10(2) are very wide and can be exercised by the

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Court at any time. From the counter affidavit filed by the proposed party to the application in A.No.4315 of 2012, it is clear that the proposed party namely, Mrs.B.R.Vijayalakshmi claims absolute right to the movies and she contends that her brother, B.R.Ravishankar has no right to assign the movies to the plaintiff.

4.In the light of the said contention, it becomes imperative that she is made a party to the suit so that the dispute between the parties could be effectively adjudicated upon. I therefore, see no merit in the objections that have been taken and this application is ordered, the 4th respondent in this application is impleaded as the 4th defendant in the suit and the original 1st defendant is struck off from the party array.

5.Registry shall make the corrections required to be made, pursuant to the above order and post the suit for further hearing.

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19.08.2021

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