

A.No.1898 of 2021
in
C.S(Comm.Div.).No.183 of 2020
DR.G.JAYACHANDRAN, J.

This application is filed to grant leave to the applicant for joinder of several causes of action in one suit. Since the fundamental facts for the relief sought are one and the same, joining the causes of action will avoid multiplicity of proceedings.

2. The plaintiff in the suit has sought for recovery of a sum of Rs.39,59,550/- based on the terms found in Memorandum of Agreement dated 12.05.2017, besides an another sum of Rs.7,80,000/- based on the Franchise Agreement dated 13.12.2017. The third relief sought for recovery of a sum of Rs.1,40,00,000/- based on the three promissory notes.

3. Though on the face of reading the relief sought in the plaint appears to be separate and distinct, the relief arising out of different causes of action, the foundation facts appears to be in the Memorandum of Agreement dated 12.05.2017. Hence the plaintiff thought fit to combine the causes of action together and filed the present suit.

4.This Court on an earlier occasion, gone into these facts and disposed the batch of applications on 10.03.2021. The Court has rightly pointed out that for joining several causes of action in one suit, the plaintiff ought to have obtained leave under Clause 14 of the Letters Patent, which the plaintiff has failed and therefore, the frame of the suit itself has to be revisited. Also in the same order, the Court has observed that except the Franchise Agreement which have an arbitration clause, the rest of the causes of action arise out of Memorandum of Agreement and promissory notes have to be decided only by the Civil Court.

5.Taking into consideration of the suit as framed and the journey the suit has travelled so long, the leave to join multiple causes of action is granted primarily taking into consideration if the leave not granted it will lead to multiplicity of proceedings and cause unnecessary hardship to both the parties. Hence the leave is granted.

6. Though the leave is granted to join multiple causes of action, it is only on the *prima facie* satisfaction of the record and however appropriate issues will be framed. Whether the suit suffers multiple causes of action, will be

decided after trial.

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