

A.Nos.2475, 2477 of 2020
and A.No.2476 of 2020
in A.No.1194 of 2020
in C.S.No.128 of 2020

C.V.KARTHIKEYAN J,

These three applications have been filed by the plaintiff in the suit. A.Nos.2475, of 2020 has been filed seeking permission to permit the applicant / plaintiff to amend the status of the 1st respondent R.Paneerselvam as partner, M/s.Rohini Movie Park instead of as sole proprietor as shown in the cause title. A.No.2477 of 2020 has been filed as a consequential application, since in view of the fact, that the first respondent is to be categorized as a partner firm, to implead as proposed respondents, the partnership firm and the other partners of the said partnership firm as 2nd to 6th defendants. A.No.2476 of 2020 has been filed to amend the status of the defendant in the suit as partner of M/s.Rohini Movie Park.

2. In the affidavit filed in support of the said applications, the plaintiff had stated that the 1st defendant had filed a written statement

wherein he had stated that he was not the sole proprietor of the Theatre Premises and that the sole proprietorship has been reconstituted as a partnership firm in the name and style of M/s.Rohini Movie Park.

3. Under these circumstances, the plaintiff had filed the present applications particularly A.Nos.2475 and 2476 of 2020 to categorize the first defendant as a partner of M/s.Rohini Movie Park and not as sole proprietor of M/s.Rohini Movie Park in A.No.1194 of 2020 and in the suit. The other application namely A.No.2477 of 2020 has been filed to implead the partnership firm and the other partners of the said partnership firm as 2nd to 6th respondents in A.No.1194 of 2020. Incidentally they are the wife and sons of the 1st defendant.

4. A counter had been filed. It had been stated that the partnership firm had not executed any document with the plaintiff and therefore the pleadings raised in the suit against the proprietor would not create any obligation on the partnership firm to answer such pleadings. It had been also been stated that the lease has been closed and that the accounts have been settled in July / August 2011.

5. The matter has been coming up for quite sometime. The learned counsel for the 1st defendant was not able to get proper connectivity today. But, however, I hold that a perusal of the records show that in the plaint the 1st defendant Panneerselvam has been described as the proprietor of M/s.Rohini Movie Park. In the written statement he stated that he was actually a partner of M/s.Rohini Movie Park which had been reconstituted as a partnership firm.

6. It is only natural that A.No.1194 of 2020 will necessarily have to be amended to bring the partnership firm on record as the 2nd respondent and also the partners of the firm as 3rd to 6th respondents. It is only be in the interest of the proposed respondents that they are impleaded in the applications, since if any order is passed, they would also be aware of such order.

7. Moreover, the liability of the partnership firm and the partners practically overlap. Whether the relief survives or not is an issue to be taken up during the course of trial.

8. In view of these facts, these three applications are allowed.

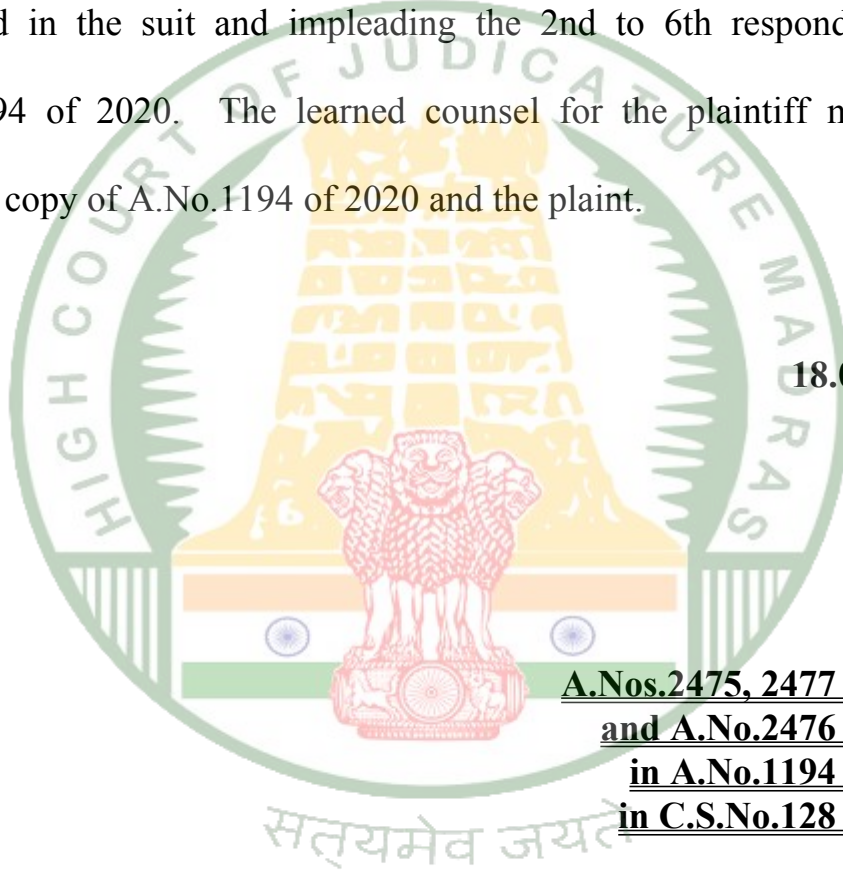
C.V.KARTHIKEYAN.J.

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9. Registry to carry out the necessary amendments categorizing the 1st defendant as partner of M/s.Rohini Movie Park in A.No.1194 of 2020 and in the suit and impleading the 2nd to 6th respondents in A.No.1194 of 2020. The learned counsel for the plaintiff may file amended copy of A.No.1194 of 2020 and the plaint.

**18.03.2021
(1/3)**

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