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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 29TH DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

A.No.1348 of 2022

in

C.S. No.401 of 2019

A.Ananth,
S/o. Late AyyalSamy,
Represented by his power agent
Mr.S.Velusamy
Residing at No.134/36, Annai Flats,
Padikuppam Road,
Anna Nagar West,
Chennai-600 040. ..Plaintiff

-Versus-

1.P.Suruli Narayanasami
Son of Late.Pethi Naickar,
Velusamy Illam,
No.51-B, Mount Poonamalle Road,
St.Thomas Mount, Chennai-600 016.

2.Vijay M.Pai, Son of K.M.Pai
Old No.7, New No.16, Vellaiyan Road,
Kotturpuram, Chennai-600 085.

3.P.Pramila, Wife of P.B.Anandam
Son of Late.P.Rajagopal
No.21, Giri Road, T.Nagar,
Chennai-600 017.

4.Y.Abinesh, son of Yuvarajan
Door No.18, Arunachalam Road,
Kotturpuram, Chennai-600 085.



5. Annapoorna, Wife of Y. Abinesh
Door No.18, Arunachalam Road,
Kotturpuram, Chennai-600 085.

..Defendants

A.No.1348 of 2022:

Vijay M.Pai, Son of K.M.Pai
Old No.7, New No.16, Vellaiyan Road,
Kotturpuram, Chennai-600 085.

..Applicant

Vs

1. A. Ananth, Son of Ayyal Samy
Rep. by his power agent S. Velusamy
No.134/36, Annai Flats, Padikuppam Road,
Anna Nagar West, Chennai-600 040.

..1st Respondent

2. P. Suruli Narayanasami
Son of Late. Pethi Naickar,
Velusamy Illam,
No.51-B, Mount Poonamalle Road,
St. Thomas Mount, Chennai-600 016.

3. P. Pramila, Wife of P.B. Anandam
Son of Late. P. Rajagopal
No.21, Giri Road, T. Nagar,
Chennai-600 017.

4. Y. Abinesh, son of Yuvarajan
Door No.18, Arunachalam Road,
Kotturpuram, Chennai-600 085.

5. Annapoorna, Wife of Y. Abinesh
Door No.18, Arunachalam Road,
Kotturpuram, Chennai-600 085.

..Respondents

Application praying that this Hon'ble Court be pleased to strike out
the name of the applicant/2nd Defendant in the main suit C.S.No.401 of
2019, before this Hon'ble Court.



This Application coming on this day before this court for hearing, the court made the following order:-

This application has been filed by the applicant/second defendant to strike out the name of the applicant/second defendant in the main suit in C.S.No.401 of 2019.

2. Learned counsel for the applicant has submitted that the applicant/second defendant is a purchaser from the Agent through Power of Attorney. He is not a necessary party to the suit and his presence is absolutely not necessary in the suit to decide the issue. Even without his presence, effective decision can be arrived by the Court. At the best, he is the best person to stand as a witness. Therefore, he prayed that his name may be struck off in the main suit in C.S.No.401 of 2019.

3. Learned counsel for the first respondent/plaintiff submitted that first defendant is the Agent. Based on the Power of Attorney, the applicant has purchased the property in question. Therefore, in order to establish the suit for rendition of accounts, presence of the applicant is required. Without his presence, effective decision cannot be arrived at. Suit is filed for rendition of accounts and since the applicant is the purchaser from the

Agent, he is a necessary party to establish the actual amount to be



recovered. Hence the application may be dismissed.

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4. Heard the learned counsel on either side and perused the materials available on record.

5. Admittedly, the applicant has been shown as the second defendant in the suit. The first respondent/plaintiff had executed a Power of Attorney in favour of the first defendant. The applicant has purchased the property in question based on the Power of Attorney. The suit has been filed by the first respondent/plaintiff for rendition of accounts. There is no dispute regarding the sale deed and neither the sale deed nor the Power of Attorney has been challenged in the suit. This is the suit for rendition of accounts. Since the applicant is the purchaser, he is a necessary party to the suit. This Court finds that even if he is continuing as a defendant, no prejudice would be caused to him. Hence this application is dismissed as devoid of merits.

Sd./-PVJ.

29/03/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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EVK 01/04/2022