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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 19TH DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE P. VELMURUGAN

A.No.1413 of 2022

in

C.S. No.135 of 2021

Paramount Group Pvt. Ltd.,
Paramount Gardens, Arcot Road,
Old Door No.13, New No.24
Ponniamman Koil Street, Saligramam
Chennai - 600 093.

... Plaintiff

-Vs-

1. Kerala Friends' Welfare Association
No.6, Parthasarathy Street,
Arcot Road, Saligramam,
Chennai - 600 093.

2. The Commissioner
Corporation of Chennai
Rippon Building, Park Town,
Chennai - 600 003.

... Defendants

A.No.1413 of 2022:-

Land Marvel Homes
a Registered Partnership Firm
represented by its Partnership
Mr.M.Palaniappan
No.63, First Floor
L.B.Road, Adayar,
Chennai – 600 020.

... Applicant



1. Paramount Group Pvt. Ltd.,
Paramount Gardens, Arcot Road,
Old Door No.13, New No.24
Ponniamman Koil Street, Saligramam
Chennai - 600 093.

2. Kerala Friends' Welfare Association
No.6, Parthasarathy Street,
Arcot Road, Saligramam,
Chennai - 600 093.

3. The Commissioner
Corporation of Chennai
Rippon Building, Park Town,
Chennai - 600 003.

... Respondents

Application praying that this Hon'ble Court be pleased to permitting the Applicant/Third Party to get impleaded in the main suit as Third Defendant, pending disposal of the suit.

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

This application has been filed by the third party to this suit to implead themselves as a party defendant.

2. Learned counsel for the applicant would submit that the suit A schedule property is the subject matter of arbitral proceedings pending between the first respondent/plaintiff and the applicant herein and hence, the applicant is a necessary party for effective adjudication in the suit. No prejudice would be caused either to the first respondent/plaintiff or to the second and third respondents/defendants, if the applicant is made as a party



defendant in the suit.

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3. Learned counsel for the first respondent/plaintiff would submit that though the plaintiff has filed the suit for recovery of possession against the defendants, the second defendant is only a formal party and the present applicant/proposed party is neither necessary nor proper party. Hence, the presence of the applicant is absolutely not necessary for effective adjudication in the suit. Therefore, this application has to be dismissed.

4. Heard and perused the records.

5. Admittedly, the first respondent/plaintiff has filed the suit for recovery of possession against the defendants seeking direction to the second respondent/first defendant to vacate and handover the vacant possession of the suit A schedule property as the second respondent/first defendant is in possession of the property and no where in the plaint referred about the applicant/proposed party and hence, if the decree has been passed in favour of the first respondent/plaintiff, it will not binding on the applicant/proposed party. Therefore there is no cause of action against the applicant/proposed party and he is neither necessary nor proper party to this suit. Hence, this application has to be dismissed.



6. If the applicant is in possession of the suit schedule mentioned property, he is at liberty to claim his right in an appropriate stage.

7. List the suit on 22.04.2022 for framing issues.

8. The learned counsel are directed to file their draft issues, if any, before 22.04.2022.

Sd./-PVJ.

19/04/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

EVK 20/04/2022