



**A.No.543 of 2022**  
**in**  
**C.S.No.232 of 2021**

**P.VELMURUGAN.,J**

This Application has been filed by the applicant/second plaintiff to delete his name from the array of parties in the suit in C.S.No.232 of 2021.

2. Originally, the Civil Suit has been filed under Section 92 C.P.C., After completing the pleadings in the suit, now, the second plaintiff has come forward with this present application to relieve him from the suit that he is not interested to proceed in the present suit.

3. Learned counsel for the applicant submitted that he is no way connected with the affairs of the Trust and he has narrated the same in para 3 of the affidavit. Therefore, he prayed to relieve him from the present suit in C.S.No.232 of 2021.

4. Learned counsel for the first respondent/first defendant submitted that in para 10 of the plaint itself, they have clearly narrated about the role of the applicant in this case. However, the Court also, after going through the entire materials, had granted leave. Now the second plaintiff does not want to continue the suit and prays that he may be relieved from the Suit. However,



without prejudice to that he is also an interested person and the same has also been narrated in the plaint. Learned counsel for the first defendant has no serious objection to relieve the second plaintiff from the suit. Even after relieving him, the suit is maintainable. In support of his contentions, he placed reliance upon the judgment reported in **2012 SCC Online Mad 2368 [The Sengunthar Charitable Trust rep. By its Secretary and others Vs. Manickam and others]**

5. Learned counsel for the defendants also submitted that, even in para 3 of the affidavit filed by the applicant, he has clearly stated that he is no way interested in the said Trust as well as in the suit. He has also no serious objections to relieve the second plaintiff from the suit.

6. Both the first plaintiff and the defendants have filed their counter affidavits.

7. Heard both counsel.

8. Admittedly, the applicant has been arrayed as the second plaintiff in the Suit. Now, he has filed this application to relieve him from the Suit. Though the applicant is shown as one of the plaintiffs in the suit, he seeks relief from the Suit. After completion of pleadings, the applicant has filed the present



application to relieve him from the suit. The Court cannot compel a person to continue in the suit either as a plaintiff or as a defendant.

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9. Therefore, under these circumstances, by merely relieving the applicant as one of the plaintiffs in the suit, no prejudice would be caused either to the first plaintiff or to the defendants. Therefore, this application is allowed by relieving the second plaintiff from the suit. Hence, the first plaintiff is directed to delete the name of the applicant in the cause title to the suit.

10. Counsel for the first plaintiff is directed to carry out necessary amendment in the plaint and file a amended copy of the plaint.

11. Both the parties are at liberty to file appropriate application before this Court ie., if the first plaintiff wanted to include any of the interested person in the plaint as one of the plaintiffs and the defendants are at liberty to dispute maintainability of the suit, after relieving the second plaintiff from the suit if they are advised so.

**01.03.2022**

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