



A.No.962 of 2022
in
C.S.No.359 of 2021

P.VELMURUGAN.,J

This application has been filed by the third party to implead him as 6th defendant in the suit.

2. Learned counsel for the applicant/third party has submitted that the plaintiff has quoted the name and address of the third defendant/Association in the suit and name of the General Secretary has alone been wrongly given therein as Mr.P.Selvamani. As per Affiliation Certificate dated 03.07.2019 of Taekwondo Federation of India, the applicant was elected as General Secretary of the fourth respondent/Association. Writ Petition in W.P.18444 of 2021 is also pending. The applicant obtained an order of stay in the said Writ Petition in respect of the fifth respondent acting as a General Secretary in the fourth defendant Association . Therefore, he is the actual General Secretary. He has to be impleaded as one of the defendants in the suit.

3. Learned counsel for the first respondent/plaintiff submitted that as per the Election conducted in the year 2021, the Mr.P.Selvamani has been elected as General Secretary. As an officer bearer, he has also placed reliance upon the

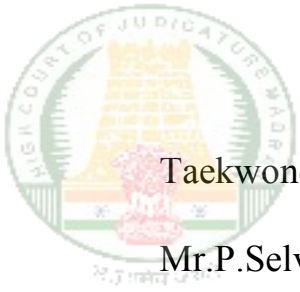


documents annexed with the plaint. Therefore, he has rightly been impleaded as fourth and fifth respondents in the application as the third and fourth defendants in the suit.

4. Learned counsel for the fifth respondent in the application submitted that, the fifth respondent is the actual General Secretary of the fourth respondent Association. The proposed party has nothing to do with the Association and in order to confuse the Court, he has come forward with this application. He is neither a necessary party, nor proper property to the suit. His presence is absolutely not necessary in the suit. Hence, he prayed that the application may be rejected.

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

6. The suit in C.S.No.359 of 2021 has been filed by the first respondent/ plaintiff to declare the result of Election held on 08.10.2021 in respect of the second defendant Association, as invalid and to appoint an Advocate Commissioner and to conduct fresh Elections for appointment of the office bearers. In this application, the fourth respondent is shown as “Tamil Nadu



Taekwondo Association ” represented by its General Secretary by one Mr.P.Selvamani, whereas, the applicant has stated that Mr.P.Selvamani has been removed from the said post and now, the applicant namely Mr.H.Balasubramani has been acting as a General Secretary. Further, he obtained an order of stay in W.P.No.18444 of 2021. Whether the proposed party is a General secretary or the fifth respondent/Selvamani is the General Secretary or not, has to be decided only in the suit if necessary at the time of disposal of the suit after trial. Since already the fourth respondent Association has been impleaded as the third defendant in the suit, once again there is no need to implead him. Only H..Balasubramani has to be impleaded as one of the defendants in the suit.

7. Accordingly, the plaintiff is directed to implead Mr.H..Balasubramani as sixth defendant in the suit in individual capacity.

8. With the above directions, this application is allowed.

9. Learned counsel for the plaintiff is directed to carry out necessary amendment in the plaint and file the copy of the amended plaint.

10. List the matter on 07.04.2022, for additional written statement, if any.

29.03.2022

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