



A.No.1709 of 2022

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in C.S.No.151 of 2021

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SENTHILKUMAR RAMAMOORTHY,J

The suit is filed for recovery of a sum of Rs.1,30,31,282/-. The suit claim arises out of the supply of steel by the plaintiff to the first defendant. The present application is filed by the defendants seeking to implead a third party.

2. According to the applicants / defendants, the third party, namely, M/s.Sri Laxmi Metals, is a necessary party to the suit. In support of such submission, reference is made to paragraph 5(b) of the plaint wherein the plaintiff has adverted to the adjustment of a sum of Rs.1,93,64,850/- towards supply of metal scrap by the first defendant to the said Sri Laxmi Metals. The defendants assert that the plaintiff supplied defective steel and that, therefore, the defendants were constrained to supply scrap to Sri Laxmi Metals. On the contrary, the plaintiff contends that the stocks that were supplied were in accordance with specifications. Moreover, the plaintiff contends that the defendants did not raise the issue of quality of stocks prior to the institution of the



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suit. In effect, the plaintiff contends that this issue is being raised solely with a view to protract proceedings.

3. From paragraph 4 of the written statement of the plaintiff, it is clear that there is no dispute with regard to the adjustment of the sum of Rs.1,93,64,249.52/- towards the supply of scrap to M/s.Sri Laxmi Metals. Since there is no dispute with regard to the adjustment of Rs.1,93,64,850/-, the presence of M/s.Sri Laxmi Metals is not necessary even for adjudication of any issue that may arise in the suit. It is also pertinent to notice that the defendants did not raise a counter claim with regard to the alleged loss incurred by them.

4. For reasons set out above, M/s.Sri Laxmi Metals is neither a necessary nor proper party to the suit. Therefore, A.No.1709 of 2022 is dismissed without any order as to costs. Both parties are directed to file draft issues. List the matter on 09.06.2022.

28.04.2022

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