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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 3RD DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

A.No. 2809 of 2021

in

C.S.325 of 2020

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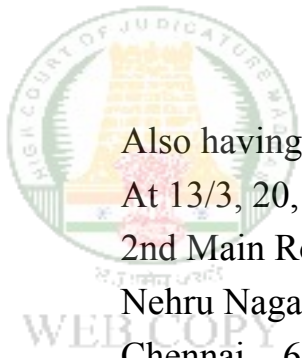
Naidu Hall Family Store,
Rep. By its partner Mr.G.Venugopal
56, Pondy Bazar, T.Nagar,
Chennai 600 017, Tamil Nadu,
Represented by its Partner Mr.G.Venugopal. ... Plaintiff

Vs.

M/s.Moham Retail Private Limited
Rep by its Director Sujay Kanth
No.10, 5th Cross, 16th Main,
KRCTC Layout, J.P. Nagar II Phase,
Bangalore - 560078.
Also having a Ware House
At 13/3, 20, Kamaraj Nagar,
2nd Main Road, Old Narasingha Puram,
Nehru Nagar, Adyar,
Chennai – 600 020 ...Defendant

A.No. 2809 of 2021:-

M/s.Moham Retail Private Limited
No.10, 5th Cross, J.P. Nagar 2nd Phase,
Bengaluru - 560078.



Also having a Ware House
At 13/3, 20, Kamaraj Nagar,
2nd Main Road, Old Narasingha Puram,
Nehru Nagar, Adyar,
Chennai – 600 020, Tamil Nadu
Rep. by its Director Sujay Kanth

...Applicant

Vs

M/S.Naidu Hall Family Store,
56, Pondy Bazar, T.Nagar,
Chennai 600 017, Tamil Nadu,
Represented by its Partner Mr.G.Venugopal.

...Respondent

A.No.2809 of 2021:-

Application praying that this Hon'ble Court be pleased to dismiss the suit on the grounds of non - joinder of necessary party to the suit.

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

Heard the learned counsel for the applicant and learned counsel appearing on behalf of respondent.

2. This Application has been filed for dismissal of the suit on the ground of non-joinder of necessary party. When the application came up for hearing on



effect that the issue of non-joinder of necessary party can always be tried as a separate issue and there is no requirement to pass an order in this application.

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3. When the matter was taken up for hearing today, the learned counsel for the applicant / defendant submitted that the issue regarding non-joinder of necessary party can be tried as a separate issue and the applicant will reserve their right to make their submissions in this regard.

4. In view of the above, this Application is closed and it is made clear that the issue regarding non-joinder of necessary party will be framed as a separate issue and it will be independently dealt with by this Court, while considering the suit on merits.

Sd./-NAVJ

03/01/2022

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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EVK 05/01/2022