



W.M.P.No.19987 of 2022
in W.P.No.17720 of 2022

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THE HON'BLE CHIEF JUSTICE
and
N.MALA, J.

(Order of the Court was made by the Hon'ble Chief Justice)

Heard on the application for impleadment of the applicant,
R.Madhan Kumar, as a party respondent to the writ petition.

2. The application has been filed mainly on the ground that certain payments were made by the applicant on behalf of the borrower-company and therefore, any order passed by this Court adverse to the petitioner in the writ petition, who is a suspended Director of the borrower company, may affect him. It is also submitted that even a letter was addressed by the bank to the applicant in reference to one time settlement and in fact, he was negotiating with the bank on behalf of the borrower company. Thus, it is prayed that the applicant may be heard by impleading him as a party to the writ petition.



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3. We have considered the submission made by the learned counsel for the applicant.

4. The writ petition has been filed by the suspended Director of the borrower company to question the e-auction sale notice dated 24.06.2022 and to seek a direction for acceptance of balance amount of Rs.37.90 crores as per the OTS scheme within the time frame to be given by the Court. The applicant could not show any transaction or document entered between him and the borrower company or with the bank to claim a lis on the property sought to be auctioned or even in reference to the loan borrowed by the company represented by the suspended Director, who would be representing and watching the interest of the company. The applicant, R.Madhan Kumar, is neither a necessary nor a proper party to the litigation in absence of any lis on the property mortgaged to the bank, because no document has been entered between him and the borrower company. Merely for the reason that he was negotiating with the bank on behalf of the borrower company would not be a ground for impleadment when the



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writ petition has been filed on behalf of the company by the suspended Director, who can very well watch the interest of the company.

Thus, finding no ground for impleadment of R.Madhan Kumar as a party to the writ petition, the application is dismissed.

(M.N.B., CJ.) (N.M., J.)
05.09.2022

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