



A.Nos.4049 and 4050 of 2022
in C.S (Comm. Div.) No.114 of 2022

A.Nos.4049 and 4050 of 2022
in
C.S (Comm. Div.) No.114 of 2022

M.SUNDAR.J.,

This common order will now dispose of captioned applications.

2. In this order, parties shall be referred to by their respective ranks in the main suit for the sake of convenience and clarity.

3. Read this in conjunction with and in continuation of earlier proceedings made in captioned applications and in O.A.No.326 of 2022, which reads as follows:

'Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 14.09.2022.

2. In these proceedings, parties are referred to by their respective ranks in the main suit for the sake of convenience and clarity.

3. Today, Mr.C.Ramesh, learned counsel on record for sole plaintiff, Mr.K.Harishankar, learned counsel on record for defendants 3, 5 and Mr.Ramesh Ganapathy, learned counsel for fourth defendant are before this Commercial Division.

4. This Commercial Division is informed by learned counsel on record for plaintiff that defendants 1 and 2 have since been given up in the main suit. This submission is recorded.

5. Be that as it may, Mr.K.Harishankar, learned counsel who is before this Commercial Division points out that he has taken out an application in ANo.4050 of 2022 with a prayer to implead one Sree Devi



A.Nos.4049 and 4050 of 2022
in C.S (Comm. Div.) No.114 of 2022

Video Corporation as sixth defendant in the main suit and as respondent in interlocutory applications.

6. Adverting to earlier proceedings made in the previous listing on 14.09.2022, learned counsel for plaintiff submits that he has since filed counter affidavit and completed pleadings. Both learned counsel submit that implead application can now be heard out if it is listed after Dussehra Holidays.

7. Let the matter appear in the list after Dussehra Holidays. List on 19.10.2022.'

4. The aforementioned proceedings speaks for itself. Adverting to aforementioned proceedings, Mr.C.Ramesh, learned counsel on record for sole plaintiff submits that though he had filed a counter affidavit and opposed the captioned applications and also submitted in the previous hearing that the captioned applications have to be heard out, there has been a rethink thereafter and he now has instructions from the plaintiff to not to oppose the captioned applications. Learned counsel for plaintiff makes a request to put in only one caveat and that is, all the rights and contentions of the plaintiff shall be preserved and the plaintiff saying no objection to the captioned applications shall not in any manner be pressed into service qua merits of the *lis* qua main suit. This request of caveat is acceded to.



WEB COPY



A.Nos.4049 and 4050 of 2022
in C.S (Comm. Div.) No.114 of 2022



A.Nos.4049 and 4050 of 2022
in C.S (Comm. Div.) No.114 of 2022

WEB COPY

5. Mr.K.Harishankar, learned counsel for Defendants 3, 5 and Mr.Ethunandhan.S, learned counsel representing Mr.Ramesh Ganapathy, counsel on record for Defendant No.4 are before this Commercial Division. To be noted, captioned applications have been taken out by Mr.K.Harishankar, learned counsel for Defendants 3, 5. In other words, he is for the applicant third party (third party qua main suit).

6. As there is no contestation, more particularly qua the plaintiff who is the *dominus litis* qua main suit, there is no difficulty in recording the stated position of the parties and acceding to the request subject to caveat as set out above.

Captioned applications are ordered as prayed for. Learned counsel for plaintiff to carry out necessary and consequential amendments within a fortnight from today i.e., by 02.11.2022. Learned counsel for plaintiff to thereafter furnish amended copies of plaint and application to all concerned within one week therefrom i.e., by 09.11.2022.

19.10.2022

gpa



WEB COPY



A.Nos.4049 and 4050 of 2022
in C.S (Comm. Div.) No.114 of 2022

M.SUNDAR.J.,

gpa

A.Nos.4049 and 4050 of 2022
in
C.S (Comm. Div.) No.114 of 2022

19.10.2022

(1/2)