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Application No.6855 of 2017
in
CS.No.317 of 2014

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DR.G.JAYACHANDRAN, J.
AND
C.V.KARTHIKEYAN, J.

The first respondent/Vellore Institute of Technology had instituted C.S.No.317 of 2014, seeking a decree to direct execution and registration of a sale deed, based on an agreement of sale dated 05.11.2012 and to execute the same in the name of the said first respondent and to hand over possession of the suit schedule property.

2. In the alternate, they have also sought a direction to pay back the sale consideration of Rs.21,00,00,000/- together with interest.

3. In the said suit, the first defendant - Arjunlal Sunderdas, had been adjudicated as an Insolvent even before the suit had been instituted on an application filed by a Creditor in I.P.No.25 of 2014 by order dated 21.04.2014. From that day onwards, the estate of Arjunlal Sunderdas had vested with the Official Assignee.

4. This application has been filed by the Official Assignee, seeking to be impleaded as a defendant in the suit.

5. The suit had been filed, after Arjunlal Sunderdas had been



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adjudicated as an Insolvent, and without impleading the Official Assignee. The Official Assignee is a necessary and proper party to the suit. The issues have to be examined only in the presence of the Official Assignee.

6. Accordingly, the application stands allowed. The Registry is directed to carryout necessary amendment in the cause title of the suit, showing the Official Assignee as 4th defendant in the suit.

7. The plaintiff is directed to file an amended plaint, carrying out necessary amendment in the short and long cause title, reflecting the Official Assignee as a fourth defendant.

8. Time is granted to the Official Assignee for filing written statement.

9. Post the suit before the Master on 08.06.2022 to adjudicate on completion of pleadings and thereafter, it may be listed before this Court.

(Dr.G.J.J.,) (C.V.K.J.,)

28.04.2022

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