



A.Nos.5526 & 5527 of 2022
in
C.S.No.19 of 2022

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C.V.KARTHIKEYAN,J.,

Both these applications have been filed taking advantage of Order I Rule 10 (2) of the Code of Civil Procedure and the relevant rules of the Original Side, Madras High Court but however the reliefs sought are different.

2. In Application No.5526 of 22, the relief sought is to strike off the 3rd defendant as a party to the suit. It is stated that she is the daughter-in-law of the defendants and therefore she is not a necessary or a proper party to the suit.

3. It must be mentioned that the suit had been filed seeking a direction to pay a sum of Rs.4,47,20,890/- together with interest at 18% per annum of Rs.2,90,39,539/- from the date of plaint till the date of realization and for costs.

4. It is stated that the the proposed defendant, who is now shown as the respondent in Application No.5527 of 2022 is the daughter of the family and therefore a necessary party to the suit.

4. Heard the learned counsel for the 1st and 2nd defendants also.

5. The relationship as stated by the learned counsel for the applicant is affirmed.



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6. In view of that particular fact, both the applications are allowed.

7. This would effectively mean that the 3rd defendant as shown in the short cause title, the long cause title and in the statement of addresses and wherever mentioned in the body of the plaint namely Mrs.Thilagavathi Vadivel, will have to be deleted or rather struck off as a party to the suit and, Mrs.Saraswathi will have to be impleaded as the proposed 3rd defendant. Since Mrs.Thilagavathi Vadivel is struck off by an order of this Court, the proposed defendant will have to be arrayed as the 3rd defendant.

8. The necessary amendments to be carried out in the short cause title, the long cause title, statement of addresses and wherever the name Mrs.Thilagavathy Vadivel occurs, striking off that name and incorporating the name Mrs.Saraswathi.

9. The learned counsel to carry out necessary amendment on or before 16.12.2022.

10. List the matter again on 16.12.2022.

02.12.2022

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