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A.Nos. 1483 & 1484 of 2023

**A.Nos. 1483 & 1484 of 2023**  
**in**  
**C.S.Nos. 42 of 2009 & 706 of 2011**

**P.T.ASHA, J.**

A.No.1483 of 2023 is filed to implead the applicant as the 2<sup>nd</sup> plaintiff in the suit in C.S.No.706 of 2011.

2. A.No.1484 of 2023 is filed to implead the applicant as the 2<sup>nd</sup> defendant in the suit in C.S.No. 42 of 2009.

3. Heard the learned senior counsel for the applicant and the learned counsel for the respondents.

4. The parties are given their names for an ease of understanding.



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5. In the affidavit filed in support of the said applications, the party, namely, BSA Company Limited seeks to implead itself as the 2<sup>nd</sup> plaintiff in C.S.No.706 of 2011 and the 2<sup>nd</sup> defendant in C.S.No.42 of 2009.

6. It is contended that BSA-Regal Group Limited had 100% shareholding in BSA Company Limited. Thereafter, BSA Company Limited had assigned its rights in favour of the BSA-Regal Group Limited to hold it “in trust” till such time as they remain 100% share holder in BSA Company Limited. With effect from October 2016, BSA-Regal Group Limited ceased to own 100% share holding in BSA Company Limited. The BSA Company Limited was acquired by Classic Legends Private Limited, a subsidiary of Mahindra Group. Since BSA-Regal Group Limited had ceased to be a 100% share holder and since BSA Company Limited is now the absolute owner, they have moved these implead applications.



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7. The contention is supported by the averments in the plaint in C.S.No.706 of 2011.

8. A counter has been filed by Tube Investments of India Ltd., primarily on the ground that it is highly belated since the evidence had commenced in the above matter. Further, Tube Investments of India Ltd., would submit that the alleged transfer of shareholding is not supported by any document and the applicant is trying to introduce a new case. They would contend that the impleadment at this late state would cause unnecessary hardship on the parties.

9. However, taking into account the fact that the contentions set out in the implead applications is only a sequel to the contents of the plaint, ie., the events that had occurred subsequent to the filing of the suit, the implead applications ought to be allowed in the interest of Justice. It is needless to state that the applicant has to prove the contentions raised for impleading them.



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10. In the light of the above observations, the applications are allowed. The applicant is impleaded as the 2<sup>nd</sup> plaintiff in C.S.No.706 of 2011 and the 2<sup>nd</sup> defendant in C.S.No.42 of 2009.

11. Since the applicant seeks to be impleaded as the plaintiff in C.S.No.706 of 2011, necessary amendment in the plaint has to be effected, which would also include the averments that had taken place after the filing of the suit, based upon which the present application is filed. Therefore, the plaintiff shall file necessary application for amendment and thereafter the amendment with reference to the impleadment can also be carried out.

12. As regards C.S.No.42 of 2009, the proposed party seeks to be impleaded only as a defendant. Therefore, the plaintiff in C.S.No.42 of 2009 is directed to carry out the necessary amendment.



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13. Post the matter on 24.08.2023. The said exercise shall be completed by then.

**16.08.2023**

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**16.08.2023**