A.Nos.374 and 375 of 2024
in CS.No.428 of 2019

N.SATHISHKUMAR, J.

1. These applications are filed to add the 5th Respondent as the 5th Defendant and to receive the documents 1 to 15 in CS.No.428 of 2019, respectively.
2. This Court heard the learned counsel on either side and perused the affidavits filed in support of the applications.
3. The proposed party/5th Respondent is the husband of the 2nd Defendant. It is the contention of the Applicant that the proposed 5th Respondent is also a Partner of the 1st Respondent Firm and hence, he is a proper and necessary party to be impleaded in the suit. The learned counsel for the Respondents vehemently opposed for impleading the proposed 5th Respondent to the suit.
4. It is not in dispute that the 2nd Defendant is the wife of the proposed 5th Respondent and that the impleadment was sought on the ground that the proposed 5th Respondent is also one of the Partners of the 1st Respondent Firm. Such being the position, the Plaintiff being dominus litus, he can implead any person against whom the relief is sought at Defendant. In such view of the matter, A.No.374 of 2024 is allowed as prayed for. No costs. The Registry is directed to carry out amendment in the plaint and the amended copy of the plaint shall be filed on or before 31.01.2024 and thereafter, summons shall be issued to the newly added proposed party.

N.SATHISHKUMAR, J.

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5. Considering the nature of the documents 1 to 15 sought to be marked, the same shall be received in evidence and marked as exhibits, however, subject to proof, relevancy and admissibility. The Respondents are at liberty to raise any objections at the time of marking those documents before the Master, before whom the documents will be marked. The objections if any raised by the Respondents will be decided at the time of final disposal of the suit. Accordingly, A.No.375 of 2024 is allowed, as prayed for. No costs.

23.01.2024

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in CS.No.428 of 2019