



A.No.2308 of 2024 in C.S.No.412 of 2015

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P.B.BALAJI,J.,

The above application has been taken out by the 12th defendant, seeking discharge of the 12th defendant in C.S.No.412 of 2015 on the ground that the 12th defendant, being mortgagee under the mortgage made by the 10th defendant pending the suit, the dues of the 12th defendant has been cleared by the 10th defendant. It is therefore submitted that the 12th defendant is not a proper and necessary party any longer in the suit.

2. I have heard Mr.D.Mukundan, learned counsel for the applicant/12th defendant and Mr.K.Harishankar, learned counsel for the respondents/plaintiffs.

3. The suit is filed for declaration of title, injunction and for setting aside various sale deeds.

4. Learned counsel for the respondents/plaintiffs Mr.K.Harishankar submits



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that his only objection with regard to the discharge of 12th defendant is that the discharge is only pending the suit and moreover, the 12th defendant may have to necessarily produce documents pertaining to the suit property and various transactions which have been narrated in the plaint.

5. The 12th defendant has admittedly lent money on the strength of the security offered by the 10th defendant alone. The 12th defendant has now voluntarily come forward and stated that the 10th defendant has discharged the mortgage created with the 12th defendant and the same has also been registered in Receipt No.2289/2023 dated 14.07.2023.

6. I do not see any necessity for the 12th defendant to remain as a defendant in the suit, which is filed for declaration of title and for other reliefs. The 12th defendant will have no serious role or contribution to make as a party to the suit.

7. However, it is made clear that despite the order in this application, discharging the 12th defendant, if the plaintiffs need any documentary evidence to be produced on the side of the 12th defendant, the 12th defendant shall ensure his



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fullest cooperation on his side.

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8. Recording the same, the application is allowed and the 12th defendant is discharged from the suit in C.S.No.412 of 2015.

9. Registry is directed to take necessary steps to amend the plaint within one week from the date of re-opening of the Vacation Court.

30.04.2024
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