



A.Nos. 2402, 2404 and 2405 of 2024
in C.S.No.44 of 2023

Judgment reserved on
18.10.2024

Judgment pronounced on
19.11.2024

A.Nos. 2402, 2404 and 2405 of 2024
in
C.S.No.44 of 2023

RMT.TEEKAA RAMAN, J.

The plaintiff is the applicant herein in all the three applications.

2(a) A.No.2402 of 2024 has been filed to withdraw the suit in O.S.No.617 of 2023 pending on the file of the XV Additional City Civil Court at Chennai and to transfer the same to the file of this Court to try along with C.S.No.44 of 2023.

2(b) A.No.2404 of 2024 has been filed to withdraw the suit in O.S.No.44 of 2023 pending on the file of the learned Additional District Court at Chengalpet and to transfer the same to the file of this Court to try along with C.S.No.44 of 2023.



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2(c) A.No.2405 of 2024 has been filed to withdraw the suit in O.S.No.46 of 2023 pending on the file of the learned Additional District Court at Chengalpet and to transfer the same to the file of this Court to try along with C.S.No.44 of 2023.

3. In all these applications, the present plaintiff in C.S.No.44 of 2023 has filed a suit for recovery of money due from one Dhara Prasad, who is an ex-employee of the plaintiff and the applicant is the Navaratna Public Sector Undertaking controlled by the Government of India. In all the three suits were filed for recovery of misappropriation of money by the respondents. The first defendant, Dhara Prasad, is the same in all the suits and he being an employee of the plaintiff company, misappropriated various amounts by sanctioning overbuilding and diverted the funds to the second and third defendants as the case may be. In this connection, the first respondent had masterminded the fraud and manipulated the applicant's accounting systems, camouflaged its records and reports, misled the financial department and indulged in criminal conspiracy, breach of trust, dishonesty and fabrication of documents. Hence, a criminal complaint was given against the first



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defendant and the same is pending. In view of the above, all the cases are of similar nature, only the beneficiary and were the amount has been deposited by the first defendant are different.

4. Counter filed in all three applications. In the counter affidavit, it is stated that there are other parties in every case and also stated that the evidence is different and the single cause of action cannot be taken into consideration and there is no common evidence that can be led by the plaintiff. Therefore, the present applications by the plaintiff are not maintainable. Hence, he opposed for allowing these applications.

5. Heard the learned counsel for the applicant and the learned counsel for the second respondent.

6. From the averments made in all these applications, it specifically points the finger to the first defendant, Dhara Prasad, who is the ex-employee of the applicant's company. It is alleged that the first defendant in all the cases has misrepresented under the head of excess payment made



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under various invoices of goods supplied by the firm to the plaintiff.

Secondly, forgery and fabrication of documents have also been alleged. It is also to be taken note that the other defendants are different in all the suits and the cause of action is also separated. Hence, I find that a joint trial cannot be conducted in view of the diversity of the defendants and different bills being filed. However, I find that as per the plaint allegations, the first defendant, Dhara Prasad, is alleged to have been solely responsible for raising the bogus bill, excess payment, invoices of the goods supplied, manipulation of records and misappropriation of money and diverting the said amount to the other defendants in the respective suits. Hence, a simultaneous trial has to be conducted instead of a joint trial.

7. The learned counsel for the applicant is directed to file a tabular column of different cases and statuses therein and the same is extracted hereunder:



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M/s. Bharat Electronics Ltd. vs. Appendants								
Sr. No.	Suit No.	Pending before	Transf. Appln.	Plaintiff	Defendants	Claim Amt. Principal + Int.	Status of the Suits	Common Question involved in the 4 Suits
1	CS-44 / 2023	Hon'ble Madhav High Court	-	M/s. Bharat Electronics Limited	1) Mr. Dhara Prasad 2) Micro Machine Tools	Rs.16,85,95,215/-	Trial yet to commence	The Plaintiff seeks to recover the monies misappropriated from it. The Plaintiff is entitled to the relief only after it establishes that the 1st Defendant (its former staff) had committed the fraud to siphon the funds of the Plaintiff, which is the common question involved in all the four suits. Hence, the transfer of all the four suits is sought for a common trial to avoid any conflicting decision on the above common question.
2	CS-607 / 2023	Hon'ble XV Adml. Judge, Chennai	2402 / 2024		1) Mr. Dhara Prasad 2) Naanal Techno-logies Pvt. Ltd. 3) P. Ungasamy	Rs. 10,53,100/-	Trial yet to commence	
3	CS-46 / 2023	Hon'ble Adml. District Judge, Chengalpet	2404 / 2024		1) Mr. Dhara Prasad 2) Mr. P. Ungasamy	Rs. 72,74,139/-	D-1 filed Written Statement; D-2 yet to file Written Statement	
4	CS-44 / 2023		2405 / 2024		1) Mr. Dhara Prasad 2) Mr. K. Venkata Phaniendra	Rs. 23,11,118/-	D-1 filed Written Statement; Put. notice to D-2 ordered	

8. It is a grievance of the plaintiff, in all these applications, that the first defendant worked as the Assistant Manager in the plaintiff's company, had masterminded the misappropriation of his user locker ID 216021 and two others transferred the plaintiff's fund to the other defendants, when they were not entitled to and subsequently to the other defendants paid a portion of the illegal transfers to the first defendant and his family and friends. Criminal case is pending in respect of the very same person of the above said offence in C.C.Nos.8, 10 and 11 of 2022 before the CBI Court, Chennai. Hence, I am inclined to allow these applications.



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9. In the result, all these three applications are allowed. The suits in O.S.Nos.617 of 2023, 44 of 2023 and 46 of 2023, that are pending on the file of the XV Additional City Civil Court at Chennai and the learned Additional District Court at Chengalpet are hereby directed to withdraw and transferred to the Registry of this Court.

10. Registry is directed to assign the C.S. Number, if it is otherwise in order, within a period of four weeks from the date of receipt of a copy of this order.

19.11.2024

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RMT.TEEKAA RAMAN, J.

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Common order in
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19.11.2024