



A.No.1822 of 2024

in

C.S.No.109 of 2023

C.V.KARTHIKEYAN, J.

This application has been filed by the 2nd defendant seeking to strike off the 2nd defendant as a party to the suit.

2.It is contended that written statement has also been filed by the 2nd defendant, wherein, the consistent stand of the 2nd defendant was that the 2nd defendant / applicant herein, was not a necessary party to decide the issues raised in the suit. It is also stated that after the 1st defendant had filed written statement, issues had also been framed and the issues related to the averments made by the plaintiff as against the 1st defendant and denied by the 1st defendant. It is stated that no fact has arisen to be examined and decided vis-a-vis this applicant / 2nd defendant.

3.The learned counsel for the plaintiff stated that the plaintiff is also not seeking any relief directly as against the present applicant / 2nd defendant. It is also stated that no issue had also been framed as against the 2nd defendant. It is also stated that the matter is now listed before the learned Additional Master for recording of evidence and at that stage, this application has been filed.



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C.V.KARTHIKEYAN,J.

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4.Since, the presence of this applicant / 2nd defendant is not required to decide the issues raised by the plaintiff in the suit, and no disadvantage would accrue by the present applicant being struck off from the suit, this application stands allowed.

5.Necessary amendment striking off the name of the 2nd defendant as a defendant in the suit to be carried out and amended copy of plaint to be filed by the plaintiff. But however, on conclusion of trial, if a decree is drawn up, since the 2nd defendant had filed the written statement, the name of the 2nd defendant shall reflect in the decree, but it may be indicated that the 2nd defendant had been struck off by this order.

02.04.2024

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