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A.No.5790 of 2023 in C.S. No.194 of 2019

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C.S. No.194 of 2019

P.VELMURUGAN,J.

The plaintiff has filed the present application to implead the "Trident Trust Company (Mauritius) Limited, 5th Floor Barkly Wharf Le Caudan Waterfront, Port Louis, Mauritius" as a proposed respondent/proposed defendant to this instant civil suit for the purpose of seeking limited essential information pertinent to the instant civil suit.

2. The learned counsel for the plaintiff submitted that this present application is filed to implead the proposed respondent as 7th defendant in the present suit seeking limited essential information pertaining to the present suit for which, the learned Senior counsel for the proposed respondent would submit that the proposed respondent is nothing to do with this case. Further, in the prayer of this application itself, the applicant has stated as limited essential information. For getting an information, one need not be impleaded as a party to the suit. The plaintiff or parties to the



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suit, can very well get the informations/document either by summoning the witness to produce the necessary information/document or otherwise, they can call the witness for examination. Therefore, the proposed respondent need not be impleaded as a party to the suit. Hence, this application is liable to be dismissed. However, the learned Senior counsel for the proposed respondent submitted that the proposed respondent is ready to furnish the required information/document if they receive summons in proper channel.

3. Heard both sides and perused the materials available on record.

4. As pointed out by the learned Senior counsel for the proposed respondent, if any particular or information or document is required from a third party to the suit, it is left open to the plaintiff or the parties to the suit to summon the witness for production of document and if necessary, they can also summon the witness for examination regarding clarification on the document/information.



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5. In this case, the learned counsel for the applicant/plaintiff herself admitted that the proposed respondent is required to be impleaded in the suit only for the purpose of obtaining limited essential information pertaining to the instant civil suit. Under these circumstances, the proposed respondent/proposed defendant is neither a proper party nor a necessary party to this suit. For deciding this suit, the proposed respondent need not be impleaded as a party.

6. The applicant/plaintiff is at liberty to take out summons on the proposed respondent for production of required documents/information and if necessary, they can take out summons for examination of any authorised person of the proposed respondent.

7. With the above observations, this application is dismissed.

8. List the suit on 08.08.2024.

08.07.2024

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