



C.S.No.477 of 2000
and A.No.3356 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2025

CORAM

THE HON'BLE DR.JUSTICE R.N.MANJULA

C.S.No.477 of 2000

and A.No.3356 of 2025

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C.S.No.477 of 2000

K.S.Damodaran,
S/o.K.Shanmuga Sundaram Nadar,
50, Pulla Avenue, Shenoy Nagar,
Chennai - 30.

... Plaintiff

-VS-

1. Mrs.Paulthai Shanmuga Sundaram,
W/o.K.Shanmuga Sundaram Nadar

2. K.S.Mothilal,
S/o.K.Shanmugasundaram Nadar,

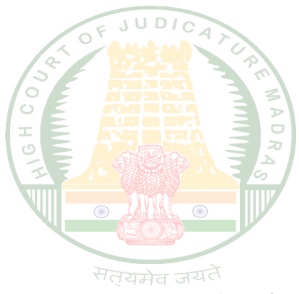
3. K.S.Anantharaman, S/o.K.Shanmuga Sundaram Nadar,

All are residing at No.50,
Pulla Avenue, Shenoy Nagar, Chennai 30.

4. Mrs.C.Mangala Vijayalakshmi,
D/o. K.Shanmuga Sundaram Nadar,
No.63, 4th Street, DAE Colony, Kalpakkam,
Chengai MGR District.

5. M/s. K.S.Kasimaris Ceramique Pvt. Ltd.

1/7



C.S.No.477 of 2000
and A.No.3356 of 2025

(Deleted the words “Under Winding Up Proceedings in CP.No.60/96 on the file of Hon'ble High Court, Madras” as per the order of Court dated 27.11.2001 in A.No.5343 of 2001)

... Defendants

Prayer : Complaint filed under Order VII Rule 1 of the CPC Read With Order II Rule 3 of the O.S. Rules, praying for the following judgment and decree against the defendants:

(i) a declaration that the plaintiff is entitled to 50% share as founder director together with 10% share in case of intestate succession of the deceased Mr.K.Shanmuga Sundara Nadar's 1/5th share, aggregating to 60% share in the assets and share values of the 5th defendant company morefully described in the schedule;

(ii) Consequential permanent injunction restraining the defendants 1 to 4, their agents, men, or anyone claiming any right through them from encumbering or alienating plaintiff's 80% share in the assets and share values of the 5th defendant company, or such other shares as this Court so declares, morefully described in the schedule;

(iii) Cost of the suit.



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For Plaintiff : No appearance

For Defendants : No appearance

A.No.3356 of 2025

1. Vyjayanthi P.
W/o.Late Rajendra Prasad Babu,

2. Swetha P.
D/o.Late Rajendra Prasad Babu,

3. Sneha Jagagit,
D/o.Late Rajendra Prasad Babu,

all are residing at No.6/12,
Subbraya Gramani Street, Shenoy Nagar,
Chennai 600 030.

... Applicants

vs.

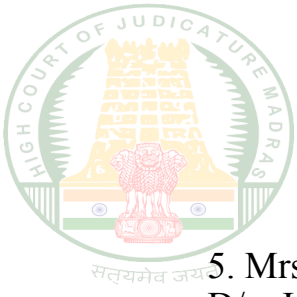
1. K.S.Damodaran
S/o.K.Shanmuga Sundaram Nadar

2. Mrs.Paulthai Shanmuga Sundaram,
W/o.K.Shanmuga Sundaram Nadar

3. K.S.Mothilal,
S/o.K.Shanmugasundaram Nadar,

4. K.S.Anantharaman, S/o.K.Shanmuga Sundaram Nadar,

All are residing at No.50,
Pulla Avenue, Shenoy Nagar, Chennai 30.



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5. Mrs.C.Mangala Vijayalakshmi,
D/o. K.Shanmuga Sundaram Nadar,
No.63, 4th Street, DAE Colony, Kalpakkam,
Chengai MGR District.

6. M/s. K.S.Kasimaris Ceramique Pvt. Ltd.

... Respondents

(Deleted the words “Under Winding Up Proceedings in CP.No.60/96 on the file of Hon'ble High Court, Madras” as per the order of Court dated 27.11.2001 in A.No.5343 of 2001)

Prayer: Application is filed under Order XIV Rule 8 of the O.S. Rules Read With Order I Rule 10 of CPC Read With Section 151 of the CPC to implead the applicants as defendants 6 to 8 in the instant suit.

For Applicants : Mr.M.Karthikeyan

For Respondents : No appearance

JUDGMENT

The applicants in A.No.3356 of 2025 have filed an impleading petition to implead themselves as defendants 6 to 8 in C.S.No.477 of 2000. Learned counsel for the applicants submitted that defendants 1 & 2 have died.



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2. There is no representation for the plaintiff. There is no representation for the defendants 3 to 5 also. The plaintiff has not taken any steps for defendants 1 & 2 and he has not even filed a memo stating that the representation of the applicants in A.No.3356 of 2025 regarding the death of D1 and D2 is correct or not. Despite the matter being listed under the caption “for dismissal”, the plaintiff has shown no interest in prosecuting the suit by making proper representation. Hence, the suit is dismissed for non-prosecution.

3. The learned counsel for the applicants in A.No.3356 of 2025 submitted that their interest is affected in view of the interim order passed in O.A.No.967 of 2001 in C.S.No.477 of 2000. If C.S.No.477 of 2000 itself is dismissed, the interim order expires automatically and hence, the applicants need not be concerned about the same. If the applicants are concerned about any of the events due to the interim order passed in O.A.No.967 of 2001, their remedy is to initiate appropriate proceedings consequent to the dismissal of the suit.



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4. With these observations, A.No.3356 of 2025 is also dismissed as infructuous in view of the suit itself has been dismissed for non-prosecution.

In the event of C.S.No.477 of 2000 is re-opened, A.No.3356 of 2025 will also need to be restored. No costs.

13.10.2025

Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes / No

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DR.R.N.MANJULA,J.

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