



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 30.07.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

A.No.126 of 2025
in C.S.(Comm.Div.) No.177 of 2024

M/s. Dec Infrastructure,
2-1-434/1, Nallakunta, Hyderabad – 500044.
Telangana State
Having its Project office and working site at
15th main road, customs quarters,
Near Chandramouleeshwar temple,
Anna Nagar, Chennai.
Represented by its Authorised Signatory,
Gopalakrishnan Palanisamy

... Applicant/Defendant

-VS-

1. M/s. Balu Iron & Steel Company,
Rep. by its Partner Mr. B. Karthik
S/o. A.K.Balasubramanian
Having its Branch Office at Old No.8, New No.27,
ARK colony, Eldam Road, Teynampet,
Chennai-600 018.



2. M/s.Balu Cement Corporation,
Rep. by its Partner Mr. B. Karthik,
S/o. A.K.Balasubramanian,

Having Branch Office at No. 48/1A,
Mayilam Pondy Road, Vanur Taluk,
Thiruchitrambalam, Villupuram District 605111.

... Respondents 1 & 2/Plaintiffs

3. M/s. Ramesh Iron and Steel Company India Private Limited,
Rep. by its Director, Having its registered office at
234-235, TV Samy Road, East R S Puram, Coimbatore,
Tamil Nadu, India- 641002.

... 3rd Respondent/Proposed defendant no.2

Prayer : Application is filed under Order XIV Rule 8 of Original Side Rules
Read With Order I Rule 10 of the CPC, 1908, to implead M/s.Ramesh Iron
and Steel Company India Private Limited as 2nd defendant in
C.S.(Comm.Div)No.177 of 2024.

For Applicant : Mr.R.Ramasubramaniam Raja

For R1 & R2 : Mr.K.S.Muralikumar



ORDER

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2. The suit was filed by respondents 1 & 2 herein for recovery of a sum of Rs.76,20,353/- by the 1st plaintiff with interest thereon and a sum of Rs.52,91,237/- by the 2nd plaintiff with interest thereon. The entire suit claim arises out of purchase order no.ANNPO/625 dated 03.02.2021 and purchase order no.ANNPO/625R also dated 03.02.2021. These purchase orders were issued by the defendant to 1st and 2nd plaintiffs, respectively. By order dated 25.06.2025 in A.No.4297 of 2024, the plaintiffs were permitted to join the causes of action.

3. The defendant has presented this application on the ground that a purchase order was issued to Ramesh Iron and Steel Company India Private Limited (Ramesh Iron and Steel Company), which is a group entity of the two plaintiffs, and that there was short supply by the said entity. The agreed



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position is that the defendant has filed a civil suit before the Additional District Court, Tirupati in O.S.No.100 of 2023 against Ramesh Iron and Steel Company and various other suppliers for recovery of a sum of Rs.2 crores from Ramesh Iron and Steel Company. It is also common ground between the parties hereto that the plaintiffs were not originally joined as defendants in the said suit and that the applicant/defendant endeavoured to join the plaintiffs herein as defendants in the said suit, but such impleading application was rejected by order dated 06.12.2024. An appeal is said to be pending against the said order rejecting the impleading application.

4. The plaintiffs are *dominus litis*. The present suit is in relation to supplies made by each plaintiff to the defendant pursuant to two specific purchase orders issued by the defendant. There is nothing to indicate that the supply made by Ramesh Iron and Steel Company was pursuant to the two purchase orders forming the basis of the suit claim. Merely on the ground that the proposed defendant is a group entity of the plaintiffs, the defendant cannot alter the scope of the suit so as to claim a set off. The defendant's claim against Ramesh Iron and Steel Company is a distinct



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claim in respect of which a civil suit has been instituted and such suit is pending before the jurisdictional civil court. In these circumstances, the proposed defendant is neither a necessary nor proper party to the suit.

5. Therefore, this application is dismissed without any order as to costs.

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30.07.2025
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SENTHILKUMAR RAMAMOORTHY,J.

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