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CRP.Nos.1582 and 1587 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.Nos.1582 and 1587 of 2024
and C.M.P.Nos.8492 and 8521 of 2024

C.R.P.No.1582 of 2024

M/s.Balaji Theatre,

A Registered Partnership Firm,

rep.by its Partners,

R.Perumal @ Kaliaperumal,

S/o.Rathinasabapathy Mudaliar.

... Petitioner

Vs.

1.P.Apparsamy

2.K.Ramesh

3.The Registrar of Firms,
Office of the Registrar of Companies,
No.35, Elango Nagar,
1st Floor, 3rd Cross Street,
Pondicherry.

... Respondents



PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 28.02.2024 made in I.A.No.4 of 2023 in O.S.No.115 of 2011 on the file of the learned Subordinate Judge, Puducherry.

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.A.V.Ramalingam
for R1
Mr.V.Manohar
for R2
No appearance for R3

C.R.P.No.1587 of 2024

M/s.Balaji Theatre,
A Registered Partnership Firm,
rep.by its Partners,
R.Perumal @ Kaliaperumal,
S/o.Rathinasabapathy Mudaliar.

... Petitioner

Vs.

1.K.Ramesh

2.The Registrar of Firms,
Office of the Registrar of Companies,
No.35, Elango Nagar,
1st Floor, 3rd Cross Street,
Pondicherry.

3.P.Apparsamy

... Respondents



PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 28.02.2024 made in I.A.No.3 of 2023 in O.S.No.115 of 2011 on the file of the learned Subordinate Judge, Puducherry.

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.V.Manohar
for R1
Mr.A.V.Ramalingam
for R3
No appearance for R2

COMMON ORDER

C.R.P.No.1582 of 2024 has been filed challenging the order passed in I.A.No.4 of 2023, in and whereby the trial Court, has thought it fit to permit the third defendant to file an additional written statement.

2. Heard Mr.D.Ravichander, learned counsel appearing for the petitioner and Mr.A.V.Ramalingam, learned counsel appearing for the first respondent in C.R.P.No.1582 of 2024 and the third respondent in C.R.P.No.1587 of 2024, Mr.V.Manohar, learned counsel appearing for the second respondent in C.R.P.No.1582 of 2024 and the first respondent in C.R.P.No.1587 of 2024.



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3. The connected revision petition in C.R.P.No.1587 of 2024 which was filed challenging the order refusing the appointment of Advocate Commissioner to record the evidence of the plaintiff at his residence has become infructuous, in view of the demise of the said Partner, who represented the petitioner's Firm. Therefore, on instructions, the learned counsel appearing for the petitioner has reported that nothing survives for consideration in the said revision.

4. However, insofar the other C.R.P.No.1581 of 2024 is concerned, the learned counsel appearing for the respondents objects to the legal heirs of the deceased Partner being impleaded. It is brought to my notice that necessary applications have already been filed to bring on record the legal heirs of the deceased plaintiff/petitioner, R.Perumal in I.A.No.11 and 12 of 2024 and the said applications are pending enquiry. The trial Court shall expedite the hearing and after hearing the objections of the respective learned counsels, the respective applications may be disposed of finally within a period of four weeks from the date of receipt of a copy of this order subject to the legal heirs being permitted to implead themselves as



legal representatives of the deceased R.Perumal. Necessary amendment shall be carried out subject to the result of the applications in I.A.Nos.11 and 12 of 2024.

5. The learned counsel appearing for the third defendant states that the third defendant is willing to co-operate with the smooth trial of the suit and the counter claim.

6. Considering the fact that the applications have already been taken out and the very impleadment of the proposed parties is being objected on the ground that they cannot step into the shoes of the deceased Partner, in order to avoid delay and multiplicity of proceedings, I am inclined to dispose of this Civil Revision Petition in the following manner:-

(i) I.A.Nos.11 and 12 of 2024 shall stand allowed.

(ii) the third defendant shall have a right to file an additional written statement pursuant to the amendment in the plaint which is to be carried out within a period of two weeks from the date of receipt of a copy of this order.



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The additional written statement shall be filed within a period of two weeks from the date of receipt of a copy of the amended plaint being served on the third defendant. It is open to the third defendant to raise all the contentions and objections, including the entitlement of the newly impleaded legal representatives of the deceased R.Perumal as being partners of the Firm.

(iii) all the interlocutory applications shall be heard and disposed of within a period of four weeks. Thereafter, the trial in the suit shall be expedited and the claim as well as the counter claim shall be disposed of on merits and in accordance with law after affording fair opportunity to both the parties on or before 31.01.2026. The trial Court shall not grant unnecessary adjournments and shall have atleast two hearings in a week.

(iv) All the defendants shall be entitled to file their additional written statements including the objections of the very impleadment of the legal heirs of the deceased R.Perumal.



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7. Accordingly, C.R.P.No.1582 of 2024 is disposed of and C.R.P.No.1587 of 2024 is dismissed as infructuous. There shall be no order as to costs. Connected miscellaneous petitions are closed.

26.08.2025

Speaking Order/Non-speaking Order
Index : Yes / No
Neutral Citation : Yes/No
ssb

To
The Subordinate Court, Puducherry.



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P.B. BALAJI,J.

ssb

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