



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 22-09-2025**

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

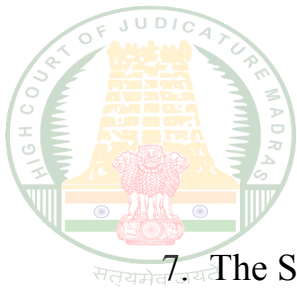
**A No. 3476 of 2025**

M/s.Caravel Lines PTE Ltd  
Represented by its Director 17, Phillip Street, 05-01,  
Grand Building, Singapore 048695.

..Applicant(s)

Vs

1. M/s.Komal Enterprises  
Rep. By Its Partner Mr.Rajesh Jagnani, A Reg  
Partnership Firm, 11-167/2, Fathe Nagar,  
Hyderabad - 500 018,
2. Habib Ullah Shahdad Khan Bld Mat Dubai  
Represented By Its Director Po Box No30056  
Sharjah Uae
3. Mr.Fairous Khan  
Po Box No.30056, Sharjah, Uae
4. M/s.Pan Asia Logistics India (p) Ltd.  
Devregency, Rep. By Its Director, No.111/9,  
3rd Floor, Dr.Radhakrishnan Salai, Mylapore,  
Chennai-94.
5. Albatross Shipping Ltd.  
Transworld House, No.2, Ground Floor, 9th  
Lane, Dr.Radhakrishnan Salai, Chennai-4.
6. Balaji Shipping Lines Fzco  
C/o.Albatross Shipping Ltd., Transworld House,  
No.2, Ground Floor, 9th Lane,  
Dr.Radhakrishnan Salai, Chennai-4.



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7. The Shipping Corporation Of India Ltd.  
Second Line Beach Road, Chennai-1.

8. Transworld Group Of Companies  
Transworld House, Represented By Its Director,  
No.2, 9th Lane, Dr.Radhakrishnan Salai,  
Chennai-4.

..Respondent(s)

PRAYER : To allow this application by deleting the Applicant/4th Defendants  
name from the array of parties in C.S.NO.785 of 2010.

For Applicant(s): M/S PUNNAGAI M

FOR M/s. Hari Radhakrishnan

For Respondent(s): M/S ANILKUMAR  
FOR M/S.S.RAGHUNATHAN for R1

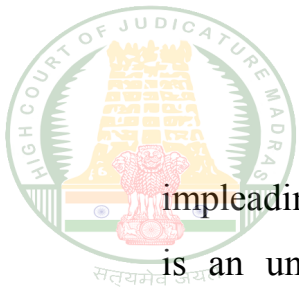
Mr.Rishwanth for D7

### **ORDER**

This application has been filed by the fourth defendant to delete his name  
from the array of parties in the above suit.

2. The learned counsel for the applicant / fourth defendant submitted that  
the fourth defendant was struck off from the register of companies on  
08.05.2023 and the company is no longer in existence.

3. The affidavit for this application has been filed by one of the Director  
of the Company by name Saju Chacko. When the plaintiff has filed the suit by

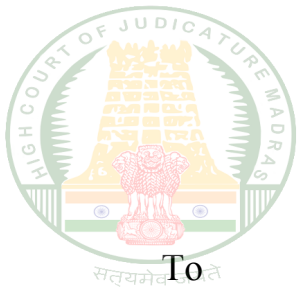


impleading the parties as relevant to the suit, if any party is considered that he is an unnecessary party, then, he has to enter appearance and make his submission that he is not a necessary party. After an issue framed on this aspect, the correctness of that statement can be decided. When the plaintiff very much asserts that the party is necessary for his litigation brought before this Court, the party cannot be allowed to invoke a short circuit method of filing an application for the relief of deleting him from the array of parties.

4. Even when the party died, the usual course is to implead the legal heirs by amending the plaint that the party died. Hence, the application itself is not maintainable. The applicant has got every right to raise his contention by way of filing the written statement. As the plaintiff is the *Dominus litis*, he alone can file a memo seeking to exonerate a party stating that he is not a necessary party. The fourth defendant tries to make out an issue that can surface only when the issues are framed in the suit. Such a course cannot be allowed to be made through this application. Hence, this Application is dismissed as not maintainable.

**22-09-2025**

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To

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A No. 3476 of 2



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A No. 3476 of 2



**DR.R.N.MANJULA, J.**

**GSK**

**A No. 3476 of 2025 in**

**C.S.No.785 of 2010**

**22-09-2025**