



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.06.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

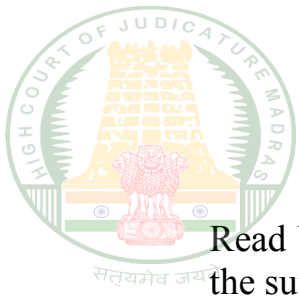
A.No.4297 of 2024
in C.S.(Comm.Div.) No.177 of 2024

1. M/s. Balu Iron & Steel Company,
Rep. by its Partner Mr. B. Karthik, S/o. A.K.Balasubramanian
Having its Office at Old No.8, New No.27,
ARK colony, Eldams 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. .. Applicants/Plaintiffs

vs.

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,
Goopalakrishnan Palanisamy ... Respondent/Defendant
Prayer : Application is filed under Order XIV Rule 8 of Original Side Rules



Read With Order II Rule 3 of the CPC, 1908, to permit the applicant to file the suit by combining causes of action.

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For Applicants : Mr.U.Karunakaran
For Respondent : Mr.R.Ramasubramaniam Raja

ORDER

The suit has been filed jointly by two plaintiffs. Each plaintiff is a registered partnership firm. The suit is for recovery of a sum of Rs.76,20,353/- along with future interest from the date of suit.

2. The suit transaction arises out of a purchase order issued by the defendant to the 1st plaintiff on 03.02.2021. The applicants/plaintiffs state that the purchase order related to the supply of a specific quantity of TMT bars. Since the entire quantity could not be supplied by the 1st plaintiff, a portion thereof was supplied by the 2nd plaintiff at the instance of the 1st plaintiff. The suit claim has been arrived at on this basis.

3. Learned counsel for the applicants/plaintiffs states that the present application has been filed out of abundant caution by invoking Rule 3 of Order II of the Civil Procedure Code, 1908 (CPC).

4. Learned counsel for the defendant opposes the application on the



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ground that the 2nd plaintiff effected distinct supply and issued invoices relating thereto. Therefore, he submits that separate suits should be instituted by the two plaintiffs.

5. Under Order I Rule 1 of CPC, all persons may be joined in one suit as plaintiffs, if the right to relief arises out of the same transactions or series of transactions and if a common question of law or fact would arise if such persons brought separate suits. The facts and circumstances outlined above would fall within the scope of Rule 1 of Order I of CPC. In any event, more than one plaintiff may join causes of action in the same suit if they are jointly interested in prosecuting the same against the same defendant. Therefore, this application is liable to be and is hereby allowed as prayed for.

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25.06.2025
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SENTHILKUMAR RAMAMOORTHY,J.

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(2/3)