Reserved on: 29.09.2026
Pronounced on: 03.11.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE K. V. ARAVIND

WRIT PETITION NO. 22880 OF 2025 (GM-CPC)

BETWEEN:

1. SRI. P. VENKATESH NAYAK,
S/O. SRI. P. VASUDEVA NAYAK,
AGED ABOUT 57 YEARS,
RESIDING AT SRI. NARASIMHA KRUPA,
NO.1/1, RATNAVILAS ROAD,
BASAVANAGUDI,
BENGALURU-560 004.

...PETITIONER

(BY SRI MADHUKAR M. DESHPANDE, ADVOCATE)

AND:

Digitally signed by VINUTHA B S
Location: High Court of Karnataka

1. M/S INFOSYS LIMITED
REGISTERED UNDER THE COMPANIES ACT, 1956,
HAVING ITS OFFICE AT ELECTRONIC CITY,
BENGALURU-560 100.
REPRESENTED BY ITS CEO.

2. MR. SALIL PAREKH
S/O. SATISH DOSABHAI PAREKH,
AGED ABOUT 60 YEARS,
CHIEF EXECUTIVE OFFICER,
M/S. INFOSYS LIMITED,
ELECTRONICS CITY,
BENGALURU-560 100.

3. MS. INDERPREET SAWHNEY
D/O. MANMOHAN SINGH SAWHNEH,

AGED ABOUT 60 YEARS,
CHIEF COMPLIANCE OFFICER,
M/S. INFOSYS LIMITED,
ELECTRONICS CITY, BENGALURU-560 100.

4. MR. SANTOSH NAIR
S/O. CHANDRASHEKHARAN NAIR,
AGED ABOUT 48 YEARS,
AVP-SENIOR PRINCIPAL HR,
M/S. INFOSYS LIMITED,
ELECTRONICS CITY, BENGALURU-560 100.

5. MR. U. B. PRAVIN RAO
S/O. U. B. PRABHAKAR RAO,
AGED ABOUT 33 YEARS,
FORMER COO-M/S. INFOSYS LIMITED,
(SINCE RETIRED)
RESIDING AT NO. 1701,
14TH MAIN, 30TH CROSS,
BANASHANKARI II STAGE,
BENGALURU-560 070.

6. MR. U. RAMADAS KAMATH
S/O. NOT KNOWN TO THE PETITIONER,
MAJOR BY AGE,
FORMER EVP-HEAD INFRASTRUCTURE,
M/S. INFOSYS LIMITED,
(SINCE RETIRED)
RESIDING AT FLAT NO. E-202,
ADARSH RESIDENCY,
47TH CROSS, 8TH BLOCK,
JAYANAGAR, BENGALURU-560 082.

7. M/S. ERNST AND YOUNG
A PARTNERSHIP FIRM,
HAVING ITS OFFICE AT 6TH, 12TH,
13TH FLOOR, UB CITY,
CANBERRA BLOCK,
NO. 24, VITTAL MALLYA ROAD,
BENGALURU-560 001.

…RESPONDENTS

(BY SRI. ADITHYA VIKRAM BHAT, ADVOCATE FOR R1 TO R4;
SRI ARJUN RAO, ADVOCATE FOR C/R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE IMPUGNED COMMON ORDER DTD 2.07.2025 IN O.S. No.6837/2022 ANNX-A PASSED BY THE VII ADDL CITY CIVIL AND SESSION JUDGE CCH-19 AT BANGALORE TO THE EXTENT THAT IA NO.2,8,11 AND 12/2024 IS ALLOWED IN OS NO. 6837/2022.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE K. V. ARAVIND

C.A.V. ORDER

The present petition is filed impugning the order dated 02.07.2025 passed in O.S. No.6837/2022 on I.A. Nos.2, 8, 11 and 12, filed under Order I Rule 10 of the Code of Civil Procedure, 1908 (for short, 'CPC'), whereby defendant Nos.2 to 5 have been deleted from the suit.

2. The petitioner instituted the suit against defendant Nos.1 to 7 seeking a declaration that the compulsory resignation of plaintiff No.1 is bad in law, along with a consequential relief of reinstatement and grant of all consequential benefits, as well as damages of Rs.10,00,000/-. Defendant Nos.2 to 5 filed applications under Order I Rule 10 of the CPC, seeking their deletion from the array of parties in the suit. The trial Court, by

the impugned order, allowed the said applications and ordered deletion of defendant Nos.2 to 5 from the array of parties.

3. Learned counsel appearing for the petitioner submits that the plaint averments specifically plead the role of defendant Nos.2 to 5, which resulted in an investigation by defendant No.7 into the acts of plaintiff No.1, allegedly carried out on the instructions of defendant Nos.2 to 5, ultimately compelling the plaintiff to submit his resignation. It is submitted that, applying the principle of dominus litis, it is for the plaintiff to decide as to who should be impleaded as a party to the suit. It is further submitted that the defendants cannot seek their deletion from the array of parties.

3.1 Learned counsel submits that defendant Nos.2 to 5, in their respective roles entrusted to them by defendant No.1, as pleaded in the plaint, contributed to the plaintiff being compelled to tender his resignation. It is contended that, when the said respondents are required to answer before the Court with regard to the respective roles played by them, the trial Court erred in deleting defendant Nos.2 to 5 from the array of parties on the ground that they could instead be examined as witnesses on behalf of the plaintiff or defendant No.1.

3.2 In support of the aforesaid submission, learned counsel has relied upon the judgments in ***Jagdip Singh Chowhan v. State of Punjab and Others***[1]; ***Clarinda D'Souza v. McCann Erickson India Limited and Others***[2]; ***National Spot Exchange Limited v. P.D. Agro Processors Pvt. Ltd.***[3]; and ***Anjum Nath v. British Airways Plc and Others***[4].

4. *Per contra*, learned counsel appearing for respondent Nos.1 to 4 submits that the roles attributed to defendant Nos.2 to 5 in the plaint were performed by them in discharge of the responsibilities entrusted to them by defendant No.1. It is submitted that no cause of action is pleaded against defendant Nos.2 to 5 and, in the absence of any such cause of action, the suit cannot be maintained against defendant Nos.2 to 5.

4.1 It is further submitted that the only relief, if at all, is with regard to payment of damages, which would arise for consideration only upon determination of prayer No.1. If the plaintiff succeeds in respect of prayer No.1, defendant No.1 has

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[1] ***2023 SCC OnLine P&H 3542***

[2] ***2002 SCC OnLine Bom 1110***

[3] ***2015 SCC OnLine Bom 8709***

[4] ***2005 SCC OnLine Del 1092***

undertaken to pay the entire damages claimed under prayer No.4. It is contended that defendant Nos.2 to 5, having discharged their functions in the course of their employment and in their respective capacities, cannot be called upon to answer for decisions taken by them on behalf of defendant No.1.

4.2 It is further submitted that, having regard to the contents of the email, the resignation tendered by the plaintiff was voluntary and was accompanied by six months' advance notice. However, the resignation was accepted with effect from three months thereafter, and the plaintiff was paid the salary to which he was entitled for the remaining period of three months.

4.3 Learned counsel, in support of his submissions, places reliance on the judgment of the Hon'ble Supreme Court in ***Kasturi v. Iyyamperumal and Others***[5], wherein it has been held that, unless a right to some relief against a party is established, a suit cannot be maintained against such person.

5. Considered the submissions made by learned counsel for the parties and perused the writ petition papers.

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[5] ***(2005) 6 SCC 733***

6. The petitioner was employed by respondent No.1 pursuant to the offer of employment dated 24.05.2012. Thus, an employer-employee relationship exists between the petitioner and respondent No.1. The said relationship assumes significance in the light of the reliefs sought in the suit. The following prayers have been sought:

> *"1) To declare that the action of compulsorily seeking the resignation of the plaintiff by the First Defendant basing on the Investigation Report of M/s. Ernst & Young-the Seventh Defendant is bad in law and not binding on the Plaintiff;*
>
> *ii) Consequently, to pass an order for re-instating the Plaintiff to his old position till the date of his retirement on 22-05-2026;*
>
> *iii) Alternatively to pass an order directing the First Defendant Company to pay the Plaintiff Salaries and other benefits till the date of his retirement on 22-05-2026;*
>
> *iv) Directing the Defendants to pay the plaintiff jointly and severally the damages towards loss of future employment, loss of reputation, mental agony and stress; The Plaintiff restricts the damages payable by the defendants to Rs. 10,00,000/- (Rupees Ten Lakhs only) and Court Fee is paid on Rs. 10,00,000/- (Rupees Ten Lakhs only).*
>
> *v) To allow the costs of the suit; and*
>
> *vi) To pass such other order or orders as desired by the Hon'ble Court in the facts and circumstances*
> *of the case in the interest of justice and equity."*

7. The impugned resignation was submitted to respondent No.1 and was accepted by the competent authority, respondent No.1 being a juristic person. A juristic person cannot act by itself; it acts through competent persons entrusted with different roles and responsibilities. The acts and deeds of such competent authorities, when performed on behalf of the juristic person, would bind respondent No.1, unless respondent No.1 pleads that such acts were excessive or unauthorised. No such plea is forthcoming in the present case. On the contrary, respondent No.1, in its written statement, has categorically admitted the actions of respondent Nos.2 to 5 as actions performed on its behalf and has undertaken that, in the event of any damages being awarded on account of such actions, the same would be discharged by respondent No.1.

8. A perusal of the plaint would indicate that the plaintiff has pleaded that the alleged irregularities noticed by defendant No.7 were acted upon at the instructions and insistence of defendant Nos.2 to 5. It is further pleaded that defendant No.4 forced, coerced and warned the plaintiff to submit his resignation immediately, failing which he would be terminated from service. A categorical allegation is made that defendant Nos.2 to 5 insisted upon the plaintiff submitting an

unconditional resignation. Whether the resignation was tendered voluntarily or under coercion is a matter for trial and is to be adjudicated by the trial Court in the pending suit.

9. However, for the limited purpose of examining the issue of coercion in the present petition, it would be relevant to refer to certain documents. As per the e-mail dated 21.12.2021, the petitioner tendered his resignation for acceptance and sought to be relieved from service with effect from 30.06.2022. Thereafter, by e-mail dated 03.03.2022, it was communicated that the resignation had been accepted and that the last working day would be 31.03.2022.

10. In order to determine whether a party is a proper or necessary party for adjudication of the suit and for passing an effective decree, the cause of action pleaded against such party, as well as the reliefs sought, are required to be examined. In the present case, the cause of action pleaded is that the defendants compelled and forced the plaintiff to tender his resignation on 21.12.2021. The primary relief sought in the suit is against respondent No.1. Prayer No.4, relating to damages, may, at the most, have a remote connection with respondent Nos.2 to 5. However, in view of the categorical

admission and undertaking made by respondent No.1 in its written statement to discharge any liability towards damages on behalf of respondent Nos.2 to 5, respondent Nos.2 to 5 cannot be held as necessary parties to the suit.

11. It is also to be noticed that respondent Nos.2 to 5 acted on behalf of respondent No.1 in discharge of the duties and responsibilities entrusted to them, and respondent No.1 has expressly owned and accepted such acts. In the absence of any specific pleading attributing independent or personal acts of liability to respondent Nos.2 to 5, they cannot be held to be necessary parties to a suit in which the primary relief is sought against respondent No.1-Company merely because they discharged their functions for and on behalf of respondent No.1-Company.

12. No doubt, applying the principle of dominus litis, the plaintiff is entitled to choose the parties against whom he seeks to prosecute the suit. However, the said principle cannot be extended to permit the continuation of a suit against a person who is found to be neither a proper nor a necessary party. Otherwise, it would result in compelling a person against whom

no cause of action is disclosed and against whom no effective relief is sought to participate in the proceedings.

13. The primary relief in the present suit is sought against respondent No.1, which is a juristic person. A juristic person acts through its authorised and competent representatives, and the acts performed by such representatives in the course of their employment bind the juristic person. In view of the specific admission and undertaking of respondent No.1 to discharge any liability towards damages, if ultimately awarded, on behalf of respondent Nos.2 to 5, the latter cannot be held to be necessary parties to the suit.

14. As rightly observed by the trial Court, if the presence of respondent Nos.2 to 5 is considered necessary for adjudication of the issues arising in the suit, either the plaintiff/petitioner or respondent No.1 may summon them as witnesses. The mere fact that respondent Nos.2 to 5 were involved in the decision-making process, while acting in their capacity as employees of respondent No.1, would not render them personally liable for the acts done on behalf of the company. The liability, if any, arising out of such acts would remain with the company, namely, respondent No.1.

15. In ***Jagdip Singh Chowhan*** (supra), the matter related to a disciplinary inquiry against a public servant. Defendant No.3 therein was held to be a necessary party, applying the principle of dominus litis, in view of the specific allegations of personal malice and prejudice pleaded against the said defendant.

16. In ***Clarinda D'Souza*** (supra), it was held that, even if a suit amounts to a flagrant misuse of the process of law in entertaining the plaint, the appropriate remedy is to have the suit dismissed upon adjudication on merits.

17. In ***National Spot Exchange Limited*** (supra), the Court was dealing with the issue of immunity under the provisions of the International Finance Corporation (Status, Immunities and Privileges) Act, 1958, arising from the immunity available to an employee of the Corporation in respect of acts performed in his official capacity.

18. ***Anjum Nath*** (supra), a judgment of the Delhi High Court, is not applicable to the facts of the present case. In the said case, the application seeking deletion of defendant Nos.3 and 4 on the ground that they had been improperly joined was

filed by British Airways and not by the said defendants themselves. It was further observed that the plaintiff had disclosed a cause of action against the said defendants and had sought relief against them. The Court also found that the said defendants had been properly joined and that their presence was necessary for the effective and complete adjudication and settlement of all the questions involved in the suit.

19. The judgments relied by learned counsel for the petitioner, are based on facts therein, hence, they are not applicable to the facts of the present case.

20. Except for a bald assertion that the defendants coerced the plaintiff into tendering an unconditional and forceful resignation, neither a specific cause of action is made out nor any substantive relief is sought against respondent Nos.2 to 5. The only relief which may remotely relate to them is prayer No.4, seeking damages. For the effective adjudication and enforcement of such relief, respondent Nos.2 to 5 are not necessary parties, in view of the categorical admission and undertaking of respondent No.1 to bear such liability, subject to the outcome of the suit.

21. In the present case, in the absence of any specific pleading requiring an answer from respondent Nos.2 to 5, or any independent cause of action or relief against them, the trial Court was justified in deleting respondent Nos.2 to 5 from the array of defendants.

22. This Court finds no error or infirmity in the impugned order warranting interference.

23. Accordingly, the writ petition is ***dismissed***.

Sd/-
(K. V. ARAVIND)
JUDGE

VBS