



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

**CRP No. 1091 of 2026
and CMP.No.5709 of 2026**

1. Kuldevi Electricals and Controls LLP
Rep. by its Partner,
Abishek Seth,
New No.299, Old No.145,
Linghi Chetty Road,
Parrys,Chennai - 600001.
2. Abishek Seth
Partner of Kuldevi Electricals and Controls
LLP,
New No.299, Old No.145,
Linghi Chetty Road,
Parrys,
Chennai - 600001.

..Petitioner(s)

Vs

1. Transdien Private Limited
Rep. by Managing Director,
No.55, K.B.Dadan Road,
Teynampet,Chennai – 600018.
2. Trinion Engineering Solution Pvt Ltd.,
Rep by its Director,
Rakesh I Nahar,
1st Floor, O.No.54, New.No.121,
Guru Kripa, Eldams Road,
Teynampet,Chennai 018.
3. Luxshare Indian Pvt Ltd.,
Rep by Managing Director.
Plot M1, SIPCOT SEZ,
Thirumangalam Village,
Sriperumbudur,



Kanchipuram 602 106.

4. Chun Chung Hung @ Jason
DIN 08268441,
A-14, Tiru.Vi.Ka. Sidco Industrial
Estate,
Guindy,
Chennai -032.

5. Wan Lin Chin @ Eva
DIN 10331625,
A-14, Tiru.Vi.Ka. SIDCO Industrial Estate,
Guindy, Chennai -032.

..Respondent(s)

Prayer: This Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the order passed in IA No.3 of 2025 in COS No.132 of 2025 dated 19.11.2025 on the file of Additional Commercial Court, Egmore Chennai and consequently dismiss the IA No.3 of 2025 in COS No.132 of 2025 dated 19.11.2025 on the file of the Additional Commercial Court, Egmore, Chennai.

For Petitioner(s): Mr.S.Saravanakumar

For Respondent(s):

ORDER

This Civil Revision Petition has been filed challenging the order passed by the learned District Judge, Additional Commercial Court, Egmore, Chennai, in I.A.No.3 of 2025 in C.O.S.No.132 of 2025 dated 19.11.2025, whereby the application filed under Order I Rule 10(2) CPC for impleading respondents 3 to 6 as parties to the suit came to be allowed.

2. The 1st respondent/plaintiff has filed the suit seeking recovery of a sum



of Rs.33,60,375/- from the petitioner/1st defendant towards the work done for civil renovation.

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3. During the pendency of the suit, the petitioner/1st defendant filed the above application seeking to implead respondents 3 to 6 as defendants in the suit. According to the petitioner, the 3rd respondent, who was the erstwhile Director of the petitioner company, along with his wife, the 4th respondent, who is the Director of the plaintiff company, had colluded with the 5th and 6th respondents and quoted fraudulent quotations, and thereby obtained the contract from the petitioner company and caused financial loss.

4. The petitioner herein opposed the application by contending that the suit is only a money recovery suit based on contractual transactions between the plaintiff and the defendant company and that no relief has been sought against the proposed parties and therefore they are neither necessary nor proper parties to the suit.

5. The learned Trial Judge, after considering the submissions made on either side and the materials placed on record, found that the defence of the petitioner/ 1st defendant is that the respondents 3 to 6 had colluded together and caused financial loss to the petitioner company. The Trial Court therefore held that their presence would be necessary for effective adjudication of the issues



involved in the suit and accordingly allowed the application.

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6. The learned Trial Judge also relied upon the judgment of the Hon'ble Madras High Court vide order dated 29.08.2006 made in CRP (NPD).No.601 of 2005, in ***S.Krishnan vs. Rathinavel Naicker***, wherein the tests to determine whether a party is necessary or proper party under Order I Rule 10 CPC were explained.

7. The Trial Court further relied upon the judgment of the ***Hon'ble Madhya Pradesh High Court in Rajabhaiya Dwivedi vs. Shuklal Choudhary and Others***, wherein it was held that when allegations of fraud are levelled against a person, the principles of natural justice require that such person must be given an opportunity to defend himself before any finding is rendered.

8. In the present case, the specific stand taken by the petitioner/1st defendant is that the respondents 3 to 6 have colluded together and caused financial loss to the petitioner company. In such circumstances, if the said respondents are not impleaded as parties to the suit, it would result in adjudication of allegations touching upon them in their absence, which cannot be permitted.



9. Therefore, this Court is of the considered view that the learned Trial Judge has rightly exercised the discretion under Order I Rule 10(2) CPC and has allowed the impleadment petition.

10. This Court does not find any illegality or perversity in the impugned order warranting interference of this Court.

11. However, it is made clear that the petitioner are at liberty to raise all their defences before the Trial Court while filing their written statement and the Trial Court shall decide the issues on their own merits without being influenced by any observations made in this order.

12. Accordingly, this Civil Revision Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To
1. The Additional Commercial Court, Egmore,
Chennai.

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T.V.THAMILSELVI, J.

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