



WEB COPY

A No. 5171 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

A No. 5171 of 2025

IN

CS NO. 96 OF 2025

M/s.Mahindra And Mahindra Financial
Services Limited
Represented by its Authorised
Signatory S.Deepika Having Office at
New No.244 Old No.713, 3rd Floor,
Level 4, Rear Block, Carex Centre,
Mount Road, Thousand Lights Chennai
600 006.

Applicant(s)

Vs

A. Sridevi and 12 others
D/o.Atcha Rao, W/o.Nambiraj, NO.1/2,
Royal Enclave, West Natesan Nagar, M
BlockTaisha Housing Board, Chennai -
600 093. AND 12 OTHERS

Respondent(s)

PRAYER: This application has been filed under Order XIV Rule 8 of Original
Side Rules read with Order I Rule 10(2) of Code of Civil Procedure praying to
implead the applicant herein as 10th defendant in the above suit in C.S.No.96 of
2025 on file of this Hon'ble Court.

For Petitioner:	Mr. V. Kamala Kumar
For Respondent:	Mr. R. Thiagarajan
	[for R1 to R4]



ORDER

This application has been filed by the applicant to implead the 10th respondent in the Suit.

2. According to the applicant, the respondents 5, 10 and 13 / defendants 1, 6 and 9 had approached the applicant herein seeking business loan and based on their request, the applicant sanctioned a loan against the property for business purpose for a sum of Rs.2.06 crores vide letter dated 29.02.2024. The loan was sanctioned and the same was repayable in 120 equal monthly instalments. The 5th respondent / 1st defendant was the borrower. The defendants 10 and 13 / defendants 6 and 9 were the co-borrowers. A Master facility agreement dated 29.02.2024 was executed between them. In order to secure the said loan, the 5th respondent / 1st defendant created a valid mortgage deed by depositing the Original Title Deeds and the respondents 5, 10 and 13 have been making the EMI payments promptly till the month of August 2025. Thereafter, they defaulted in making repayment of the monthly instalments. Subsequently, the applicant came to know about the pendency of the Suit. Therefore, the applicant is also a proper and necessary party to the proceedings.

3. The respondents 1 to 4 have filed a counter stating that they filed the Suit for partition and for other reliefs. The 5th respondent has been taking



contradictory plea and contradictory stand at different stages of litigation, solely with a view to defraud the interest of the financial institutions from whom he had availed financial facilities. Unless the 5th respondent / 1st defendant is directed to produce all the relevant records and original documents and similarly the applicant / proposed 10th defendant is directed to produce all the original documents, this Court shall not be in a position to appreciate how the 1st defendant has made such representations and how he had executed security documents to safeguard the interest of the financial institution which had lent money on the strength of the security and the asset offered thereto. Subject to the applicant making out a case that this is a proper necessary and proper party for proper adjudication of rights of the parties, it may be impleaded as a party to protect and secure their interest, in as much as a Receiver has been appointed by this Court to manage the affairs of the 13th respondent/ Rajiv School of Excellence Educational Trust.

4. Heard both sides and perused the materials available on record.

5. According to the applicant, he lent money to the 5th respondent / 1st defendant by mortgaging the properties that those properties form a part of the subject matter of the Suit and therefore, for proper adjudication, the presence of the proposed parties are also essential and the respondents 1 to 4 / Plaintiffs



have not seriously objected and other respondents have also not filed any counter. Therefore, this Court is of the opinion that the presence of the proposed parties are necessary to decide the Suit.

6. Accordingly, this application is *allowed*.

....-01-2026
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mjs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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