



WEB COPY

CRP No. 6285 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

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

CRP No. 6285 of 2025

AND

CMP NO. 31182 OF 2025

The Tamilnadu Mercantile Bank Limited

Rep by its Chairman,

No 57, V.E Road, Tuticorin 628 001.

..Petitioner(s)

Vs

1. M.Thavamani
2. T.Suseela
3. Rekha @ Anuja
4. T.Manoj
5. The Nadar Mahajana Bank Share Investors

Forum

Rep. by its Chairman,

Malaimurusu Building, No.246 Old No.712,

Thousand Lights, Anna Salai, Chennai 600 006.

..Respondent(s)

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 13-11-2025 in IA.No.1 of 2023 in OS.No.2360 of 2022, passed by the VI Additional City Civil Court, Chennai.

For Petitioner(s):

For Respondent(s):

Mr.S.Sethuraman

Mr.M.Kamalakaran

For R1 & R3

Mr.L.Ajay

For R2

Ms.A.Sumathy

For R4

Mr.K.Mohanamurali

For R5

**ORDER**

Challenging the impugned order passed in IA No.1 of 2023 in OS No.2360 of 2022 dated 13.11.2025 on the file of the VI Additional City Civil Court, Chennai, the second defendant has preferred the present revision petition.

2. The plaintiffs filed an application before the trial court to implead Tamilnadu Mercantile Bank Limited as second defendant stating that 240 original share certificates, which belongs to them, in the name of the plaintiffs are in the hands of the bank. Therefore, bank is necessary party to the proceedings. The said application was allowed by the trial judge on hearing both sides by observing that the existence of the transaction between the parties and more particularly with regard to the shares now share certificates are in the hands of the proposed bank. Therefore, to decide the issue, the bank is a necessary party. Accordingly, the application was allowed. Aggrieved over the same, the second defendant / bank has preferred the present revision petition.

3. The learned counsel for the revision petitioner submits that already there was a compromise between the bank and the plaintiffs and the compromise has also been recorded wherein they agreed that they would not make any other claim against the bank by filing the civil suit and contrary to the said undertaking recorded in Debt Recovery Tribunal, proceedings, now they come forward with the application to implead which as such is erroneous and a



clear abuse of the process of law. But the Court below failed to consider the same and passed erroneous order and prays to set aside the same.

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4. The learned counsel for the plaintiffs submits that after the said compromise, there was a dispute between the first defendant, to whom they paid some amount to purchase shares and therefore the present suit was filed. Now the fact also reveals that the original share certificates are in the hands of the bank and only xerox copy was handed over to the first defendant. Therefore, to decide the issue raised the bank is just and necessary party.

5. Considering the submissions made by both sides, as on date the original share certificates belonging to the plaintiffs are in the hands of the bank / revision petitioner and only xerox copy was given to the first defendant. To decide the issue they are necessary party. Therefore, the trial judge has rightly impleaded them, which would not cause any prejudice to the bank. Thus, now the cause of action differs from the present suit. The order passed by the trial judge requires no interference. The learned counsel for the revision petitioner submits that as on date they have not possessed any share certificates in their hand. Liberty is granted to the second defendant / revision petitioner to raise of their defence before the trial court.



6. Accordingly, this Civil Revision Petition is disposed of. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

02-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MTL

To

1. The VI Additional City Civil Court, Chennai.



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T.V.THAMILSELVI J.

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