

IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR
PRESENT: Dr.J. JULIET PUSHPA, Ph.D. (Law)
Principal District Judge, Tiruvallur

Friday, the 27th day of March, 2026

I.A.7/2024 IN COS NO.93/2024
(CNR No. TNTR01)

P Dot G Constructions Private Limited
Represented by its Director and
Duly authorized signatory Mohan Srinivasan

....Petitioner / proposed 5th defendant

1. S. Jagadeesan
2. K. Mani

...Respondents 1 and 2 / plaintiffs 1 and 2

3. P.G. Prabakar Reddy
4. The Sub Registrar, Manavala nagar, Tiruvallur
5. The District registrar , Tiruvallur
6. The District Collector, Tiruvallur.

....respondents/ defendant 1 to 4

This petition coming for final hearing on 17.03.2026 in the presence of M/s S. Sushilkumar, , learned counsel for petitioner/proposed 7th defendant , M/s R.E. Elavarasu, V.Pargunan, A. Palani, Y. Dhanaraj, learned counsel for the respondents/plaintiffs and Thiru.E. Vijayakumar, learned Government Pleader appearing for the respondents 4 to 6, the 3rd respondent was set exparte, upon hearing both side , and perusing the material case records and stood over for consideration till this date, this Court delivered following:-

ORDER

This petition is filed by petitioners under Order 1 Rule 10(2) of C.P.C. praying to implead the petitioner as the 5th defendant in the Commercial Original

suit No.93/2024.

2. **The averments in common the Petitions filed by the Petitioners in common are as follows:-**

According to the petitioner, P dot G has developed and promoted the suit property. And the petitioner is the authorized representative of the said company. The 3rd respondent /1st defendant P.G. Prabakar Reddy, with whom the plaintiffs purportedly transacted with is no longer the Managing director or the promoter of the company P. Dot G. The said company was put under Insolvency Proceedings before NCLT, Chennai under CP/IB No.193/2018 from 13.07.2018 under the Insolvency and Bankruptcy Code initiated by M/s IJM Concrete Products. The 3rd respondent was unable to conduct the affairs of the company and defaulted to pay the creditors and construct apartments for the Home buyers. NCLT passed order of moratorium and suspended the Board of Directors and the 3rd respondent from its Managing Director. The suit property was also subject to the insolvency proceedings under the Project name "Dreamz". NCLT approved resolution plan and by which RCC e-construct P was to take over P dot G and complete 5 pending projects including "Dreamz". The plaintiffs ought to have got their claims before the Resolution Professional. The application submitted by Resolution Professional in respect of suit property before NCLT is pending as on date. Hence, the suit itself is not maintainable when lis pertaining to suit property is pending before NCLT. The respondents 1 and 2 not properly impleaded the company P. dt. G in its own capacity as it is the owner of the subject suit property, but wrongly impleaded the 3rd respondent without specifying his capacity in the company. The plaintiffs

ought to have impleaded the petitioner as party as 5th defendant for proper adjudication. The 3rd respondent is liable in his individual capacity only as power agent . The pendency of proceedings before NCLT is concealed by the respondents 1 and 2. Hence, the suit is misconceived. Therefore, the petitioner who is the Director and authorized signatory has to be impleaded as 5th defendant in the suit.

3. The averments in the counter filed by the respondents 1 and 2 in brief

The respondents 1 and 2/ plaintiff resisted this petition on the ground that the petitioner has failed to produce any document to prove the authorized to conduct the case like minutes of the meeting, company's proceedings to prove that PG Prabakar Reddy is no longer liable. The respondents also received order of Bankruptcy of the insolvent company. But, the associations have nothing to do with the case. The 1st defendant entered into agreement with the plaintiffs that he would sell the house plots in the suit property of the plaintiffs to his clients, but he did not pay the amount to plaintiffs in the original case. The 1st defendant in the original suit executed letter of acceptance in the company's letter had agreeing for giving sale consideration for the plot which he has sold will be settled as flats from his on-going projects. After that., the Directors of the company colluded with the intention to deceive the customers of the company and filed separate case and the order was obtained as bankrupt company. The petitioner claiming that he is the director of the bankrupt company only to deceive the customers, hence, this petition is liable to be dismissed.

4. The 3rd respondent remained exparte. The respondents 3 to 5 have not filed counter.

5. Now the point for consideration in this petition is

(i) Whether the petitioner is entitled to the relief as sought for ?

(ii) Whether this petition is to be allowed ?

6. **POINTS:**

Heard both side.

This petition is filed by the petitioner, to implead him as the 5th defendant in the suit.

7. The case of the petitioner is that the respondents 1 and 2/ plaintiffs filed the commercial original suit for specific performance directing the 1st defendant to execute the sale deed in respect of the suit property on behalf of the 1st defendant company M/s P dot G Constructions. However, the 3rd respondent/1st defendant is no longer the Managing Director of the company and since the company P Dot G is taken over by RCC e-construct Private Limited in the Insolvency proceedings as per the orders of NCLT, the petitioner who is the authorized signatory of the company is necessarily impleaded as 5th defendant in the suit.

Per contra, the respondents 1 and 2/plaintiffs resisted the suit by contending that there is no documentary proof filed by the petitioner as he is the authorized signatory.

8. On perusal of the records, the Commercial Original suit is filed by the respondents 1 and 2 for specific performance in respect of the suit property as the 3rd respondent/1st defendant entered into agreement for selling the suit property, but failed to do so.

9. The case of the petitioner is that the company M/s RCC e-construct P construction company is taken over by another company in the insolvency proceedings and the petitioner is resolved to be the authorized signatory of the company, hence he is a necessary party.

10. The petitioner has produced copy of the resolution of Board of Directors of M/s RCC e-Construct Pvt. Ltd., authorizing the petitioner to act on behalf of the company for all legal cases with NCLAT, NCLT, TNRERA, Hon'ble High Court, Tamilnadu, etc. The fact that M/s P Dot G becomes bankrupt is not conceded by the respondents 1 and 2 in the counter. Hence, as per the case of the petitioner that M/s P Dot G was taken over by RCC e-construct Pvt. Limited is apparent.

11. The Commercial suit is filed for specific performance. Hence, for the just decision of the case, it is proper and necessary to decide upon the liability of the persons who are at the helm of the defendant company. The issue whether the petitioner or the 3rd respondent is a party representing the defendant company shall be decided only after completion of trial and after proper appreciation of the oral and documentary evidence. The petitioner claims that he is the authorized signatory of the defendant company which was taken over by M/s RCC e-Construct

Pvt. Ltd., and produced the resolution of the said company. As such, the petitioner, being the authorized signatory as per the resolution dated 16.09.2020 is a necessary party to be impleaded in the suit.

12. This petition is not contested by the 3rd respondent who is the 1st defendant in the suit. No prejudice would be caused to the respondents by merely impleading the petitioner as 5th defendant, as the respondents 1 and 2 have every opportunity to disprove the claim of the petitioner herein in the original suit and prove their claim as against the 3rd respondent/1st defendant itself by letting in proper documentary and oral evidence in the proceedings of the commercial suit.

12. Therefore, considering the above circumstances, as it appears from the above circumstances that petitioner is a necessary party for proper adjudication and also for just decision of the Commercial original suit, to avoid multiplicity of proceedings and also in the interest of justice, this Court is inclined to allow this petition. Accordingly, these points are answered in favour of the petitioner.

In the result, this petition is allowed and the petitioner is impleaded as 5th defendant in the Commercial Original Suit No.93/2024. No costs.

Dictated to the Steno-Typist, transcribed by him, corrected and pronounced by me in the Open Court, on this the 27th day of March, 2026

**PRINCIPAL DISTRICT JUDGE
TIRUVALLUR**

**List of Witnesses and exhibits on the side of
Petitioners and Respondents: NIL**

**PRINCIPAL DISTRICT JUDGE
TIRUVALLUR**