

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 14TH DAY OF FEBRUARY 2020

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.No.158 of 2004

***Marathon Electric India Private Limited,**
Having Subordinate and branch office at
No.6, (Old No.37), Arcot Road,
Vadapalani, Chennai -600 026 ..Plaintiff

***Amended as per order dt.24.07.2009 in A.No.1433/09)**

vs

1.Devie and Co.
rep.by its Proprietor,
Mr.S.Kumar,
180, Dr.Nanjappa Road,
Coimbatore - 641 018

2.Mr.S.Kumar,
No.3, Balasundaram Layout,
K.R.Puram,
Avarampalayam,
Coimbatore - 641 006

3.**M/s.Rajeswari Credits
Rep.by its Partner
Mr.S.Thiagarajan,
Old No.155 A, New No.259,
Jawahar Bazar, Karur

4.**M/s.Sreelakshmi Devi Investments,
Rep.by its Partner,
Mr.S.Thiagrajan,
Old No.155 A, New No.259,
Jawahar Bazar, Karur

5.**M/s.Swarnalakshmi Credits,
Rep.by its Partner,
Mr.Kandasamy,
Old No.155 A, New No.259,
Jawahar Bazar, Karur

(Defendant 3 to 5 impleaded as per order
dated 28.08.2007 in A.No.664/05) ..Defendants**

Civil Suit praying that this Hon'ble Court be pleased to a judgement and decree directing the defendants jointly and severally:

a. To pay to the Plaintiff the sum of Rs.1,47,34,723.77 together with the interest of 20.25% per annum on the principal amount of Rs.125,19,036.14/- from the date of plaint till the date of realization within a date to be named by the court and on default the properties described in the Schedule A and B to the proceeds after defraying the expenses of the sale applied in and towards the payment of the said principal, interest and cost,

b. That if such proceeds shall not be sufficient for the payment in full or such amount, the Defendants may be directed to pay to the Plaintiffs the amount of the deficiency together with interest thereon at the contracted rate of 20.25% per annum till realization.

c. To pay the costs of the suit.

This civil suit coming on this day before this court for hearing the court made the following order:

By order dated 24.09.2019, Application No. 4819 of 2019 was allowed by this Court and the applicants therein were directed to be impleaded as defendants in the suit. The said amendment was directed to be carried out within two weeks from the date of the order. Application No.8987 of 2019 was filed for an extension of time to carry out the amendments. The said application was allowed on 25.11.2019 and the applicant was directed to carry out the amendment on or before 09.12.2019. Meanwhile, Application Nos.3295 of 2017 and 6382 of 2016 was filed by other 3rd party applicants

seeking to be impleaded as defendants in the suit. The said applications were rejected by a single Judge of this Court. The aggrieved parties carried the matter in appeal before the Division Bench of this Court by filing O.S.A.Nos.413 of 2018 and 71 of 2017. By order dated 17.07.2018, O.S.A. No.71 of 2017 was allowed and the appellant therein was directed to be impleaded in this suit. Similarly, by order dated 11.04.2019, O.S.A. No. 413 of 2018 was allowed and the appellant therein, namely, V.Ravikumar, was directed to be impleaded as a defendant in the suit.

2. Accordingly, the applicant is now required to carry out the consequential amendment with regard to impleadment of all the applicants in Application No.4819 of 2019 and the applicants in Application Nos. 6382 of 2016 and 3295 of 2017. Therefore, time is granted to the learned counsel for the plaintiff to carry out the consequential amendments with regard to all these impleaded parties within two weeks from the date of receipt of a copy of this order. After carrying out such amendment, the amended plaint shall be served on all the defendants within one week thereafter.

Sd/.S.K.R.J.

14.02.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU.20.02.2020

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.