

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 1776-1777 OF 2020
(Arising out of SLP(C) Nos. 5019-5020 of 2020)
(Diary No. 3094 of 2020)

K. C. ARUL DOSS

Appellant (s)

VERSUS

K. C. BABU DHAS (DIED) THROUGH LRS & ORS. Respondent(s)

O R D E R

Leave granted.

These appeals take exception to the judgment and order dated 29.11.2019 passed by the Madurai Bench of Madras High Court in C.R.P.(MD) Nos. 1768 and 1769 of 2017.

The parties had filed application(s) for impleadment as plaintiff(s). The application preferred by the respondents was rejected by the Trial Court and the one filed by the appellant was allowed vide order dated 10.08.2017 in I.A. Nos. 102 and 103 of 2016 respectively, in O.S. No. 115 of 2014.

The matter travelled to the High Court by way of Revision Petition filed by the respondents, which has been allowed. As a result of that order, the application

for impleadment filed by the appellant came to be rejected after dealing with the rival contentions on merits.

Having considered rival submissions and keeping in view the exposition in *Suresh Kumar Bansal Vs. Krishna Bansal & Anr. reported in 2010 2 SCC 162*, we deem it appropriate to quash and set aside the impugned judgment and order and modify the order passed by the Trial Court dated 10.08.2017. That order, now be read to mean that the respondents be added as plaintiffs in the present proceedings and the appellant as defendant, without prejudice to the rights and contentions available to both parties.

In other words, both parties will be free to pursue their rival contentions and the same will have to be decided by the Trial Court in accordance with law uninfluenced by any observation made by the High Court in the impugned judgment and order. For the impugned order is being set aside in terms of this order.

It is pointed out that the respondents have filed another suit (O.S. No. 82 of 2016) challenging the supplementary trust deed dated 28.01.2016. It is possible that the issues raised in that suit would be overlapping

with the issues involved in the subject proceedings. Therefore, it will be open to the parties to apply to the Trial Court for consolidation of the proceedings (as the respondents are plaintiffs in both the suits) and to proceed with the consolidated proceedings in accordance with law. We leave all contentions available to both sides in that regard open, to be decided as per law.

It will also be open to the parties to request the Trial Court to dispose of the proceedings expeditiously.

The appeals are disposed of in the above terms.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(DINESH MAHESHWARI)

New Delhi
February 24, 2020

ITEM NO.23

COURT NO.7

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 3094/2020

(Arising out of impugned final judgment and order dated 29-11-2019 in CRPMD No. 1768/2017 29-11-2019 in CRPMD No. 1769/2017 passed by the High Court Of Judicature At Madras At Madurai)

K. C. ARUL DOSS

Petitioner(s)

VERSUS

K. C. BABU DHAS (DIED) THROUGH LRS AND ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.27861/2020-EXEMPTION FROM FILING O.T. and IA No.27860/2020-PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 24-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. R. Basant, Sr. Adv.
Mr. M.p. Parthiban, AOR

For Respondent(s)

Mr. Vinay Navare, Sr. Adv.
Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, AOR
Ms. Rangoli Seth, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Permission to file Special Leave Petition is granted.

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]

