

IN THE XII ASSISTANT CITY CIVIL COURT AT CHENNAI

Present : Thiru. N. Sachidhanantham,

XII Assistant Judge

Thursday, the 3rd day of October, 2024

I.A.No. 2/2024

in

O.S.No.6430/2022

R. Nagaswarna

W/o. G. Rangarajan

...Petitioner/Plaintiff

-Vs -

1. M/s. The Tata Power Company Ltd.,

Rep. by its Managing Director,

Bombay House,

No.24, HomiMody Street,

Fort, Mumbai,

Maharashtra - 400001, India.

2. M/s. Tata Steel Ltd.,

Rep. by its Managing Director,

Bombay House,

No.24, HomiMody Street,

Fort, Mumbai,

Maharashtra - 400001, India.

3. M/s. East India Hotel (E.I.H.) Ltd.,

Rep. by its Managing Director,

Corporate Office: No.7, Sham NathMarg,

Delhi - 110054.

Registered Office: No.4, Mangoe Lane,

Kolkata - 700001.

...Respondents (1-3)/Defendants (1-3)

4. Ms/. Securities and Exchange Board of India,
Rep. by its Regional Director,
Corporate Office:
Overseas Towers, 756 L, 7th Floor,
Anna Salai, Thousand Lights, Chennai,
Tamil Nadu 600002.

...Proposed 4th Respondent/Proposed 4th Defendant

This petition came up before me for final hearing on 24.9.2024 in the presence of M/s. R. Dhanasekar, K. Muhilan, S. Saraboji, G. Vijayakumar, V. Muralidharan, K. Tamizharasan, Counsel for the Petitioner/Plaintiff and of M/s. Shivakumar, Suresh, Counsel for the 4th Respondent and upon hearing both sides, having stood over for consideration, this court delivers the following:-

ORDER

This petition is filed under Order 1 Rule 10 r/w. Section 151 of C.P.C. to implead the proposed 4th respondent/proposed 4th defendant in the above suit in O.S.No.6430/2022.

1. Brief averments in the petition filed by the petitioner is as follows:

The petitioner has filed the above said declaration suit seeking declaration that the petitioner is one and the same name as 'Swarna Rangarajan' with the 1st defendant, 'Mrs. R. Swarna' with the 2nd defendant, and R.Swarna with the 3rd defendant, and the petitioner as per the available Government records is 'R. Nagaswarna'. Subsequently, this court was directed the petitioner to file the impleading the necessary party as proposed defendant in the above suit. Now the

petitioner found that the Securities and Exchange Board of India is the regulatory body for securities and commodity market in India. Without the presence of the proposed 4th respondent/proposed 4th defendant, the question involved in the suit cannot be decided finally and effectively. Hence, the present petition has been filed.

2. Brief averments in the counter filed by the 4th respondent is as follows:

The names of the shareholders are maintained by the companies or their respective Share Transfer Agents. It may warrant emphasis that SEBI does not maintained names of shareholders of companies. In respect of shares held in dematerialized form, the application is required to be submitted with the depository/depository participant along with the documents as specified in the SEBI's Circulars dated November 1, 2012 and December 27, 2018. No relief is claimed against SEBI in the Original Suit and no averments have been made in the I.A. justifying the impleading of the proposed 4th respondent.

3. Point for consideration:-

Whether this petition can be allowed or not?

4. Heard the arguments on both sides and perused records. The defendants remained exparte. The proposed respondent/proposed defendant has filed counter statement denying the claim of petitioner.

5. The following ingredients are taken into consideration under Order 1 Rule 10(2) of CPC: (1)The parties may be impleaded, at any stage of the proceedings.

(2) either upon or without the application of either parts.

(3) and on such terms as may appear to the court to be just.

(4) whether as plaintiff or defendant, or whose presence before this court may be necessary in order to enable the court effectively and completely to adjudicate upon.

(5) and settle all the questions involved in the suit, be added.

6. From the perusal of records and the submissions of learned counsels appearing on either side it could be seen that the petitioner is one and the same name as 'Swarna Rangarajan' in the records of 1st defendant, 'Mrs. R. Swarna' with the 2nd defendant, and R.Swarna with the 3rd defendant, and the petitioner as per the available Government records is 'R. Nagaswarna'. Admittedly the contesting defendants were remained exparte. It is revealed the present application has been filed at the instance of this court. The plaintiff has filed the lis for declaration relief in respect of her name change. The petitioner now seeks to implead the 4th defendant in the suit stating it is the regulatory body controlling the activity of the defendants 1-3.

7. The learned counsel for 4th respondent/proposed defendant would submit that the SEBI does not maintain the names of shareholders of companies and it is open to the defendants to receive and address the claim of the plaintiff. The own admission of the above respondent is sufficient to decide the point on hand. There is no impediment for the petitioner to maintain her relief against the original defendants and impleadment of proposed defendant is not at all necessary for effective

adjudication of disputes arises in the suit. The present petition is liable to be dismissed. Accordingly this point is decided.

In the result, this petition is dismissed. No costs.

Directly dictated to the Steno-Typist, typed by him in computer and after correction of mistake, pronounced by me in the Open Court on this, 3rd day of October 2024.

Sd.xxxx

XII Assistant Judge

Petitioner side Witnesses : Nil

Respondent side Witnesses & Exhibits : Nil

Sd.xxxx

XII Assistant Judge