

C.O.S. SR No.880 of 2026

Date: 09.09.2026

The Plaintiff has filed this suit for the relief of Recovery of Rs.75,00,000/- from defendants 1 to 6 towards non supply of materials by 2nd defendant on time and non supply of some materials even after receipt of amount from the plaintiff.

The Registry has raised objection as to the adding of 3rd to 6th defendants as parties to the suit. The learned counsel for the plaintiff submitted that 3rd to 6th defendants involved in all the business transaction between the plaintiff and 2nd defendant and they have assured to extend the sterling service to the plaintiff and they assured to supply construction materials for the plaintiff.

The learned counsel for the plaintiff cited several decisions to canvass the point that necessary party is a party without whose presence the dispute cannot be adjudicated and proper party is a party whose presence is necessary for adjudication of dispute. The 2nd Defendant is a private limited company. The 3rd defendant is Chief Executive Officer, 4th defendant is Head of Service, 5th defendant is Lead Tech Ops (Projects), whereas the 6th defendant is Technical Manager of 2nd defendant Company. The 2nd defendant is a juristic person

and it can be represented only by a human being.

It is settled law that a Company is a separate Legal Entity distinct from its Directors, Officers, Employees and its Shareholders. They cannot be fastened with personal liability. The perusal of the entire pleadings would show that 3rd to 6th defendants have acted only on behalf of the 2nd defendant company and it does not disclose their involvement in the business transaction in their personal capacity. In fact, the plaintiff issued purchase order to the 2nd defendant company and not to 3rd to 6th defendants. 3rd to 6th defendants are neither necessary nor proper parties. They may be necessary witnesses for the transactions. Necessary witnesses cannot be arrayed as parties.

The plaintiff is directed to strike out the 3rd to 6th defendants from the suit and represent the plaintiff.

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Principal Judge
Principal Commercial Court,
Egmore, Chennai - 8