



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

Civil Revision Petition No.5004 of 2026

and

C.M.P.No.21793 of 2026

1. Gaia Consulting and Solution Pvt. Ltd
Represented by its Director,
No.39, 2nd Floor,
1st Link Road, Nehru Nagar,
OMR, Kottivakkam,
Chennai 600 041.

2. Evangeline Regina Samson Jacob

..Petitioners

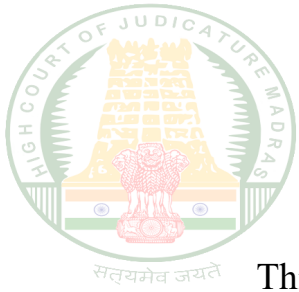
Vs

1. Sesharatnam
W/o.Late.Saiva
2. Nandhini Mohan
W/o.V.Shakthi

..Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India
praying to set aside the order made in I.A.No.1 of 2026 in O.S.No.4948 of 2024
dated 21.07.2026 by the IV Additional Judge, City Civil Court, Chennai.

For Petitioners : Mr.S.Mahadevi



ORDER

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This civil revision petition has been filed under Article 227 of the Constitution of India against the order passed in I.A.No.1 of 2026 in O.S.No.4948 of 2024 dated 21.07.2026 passed by learned IV Additional Judge, City Civil Court, Chennai, wherein the application filed by petitioners under Order I Rule 10(2) CPC to strike off the name of the first defendant company came to be dismissed by the Court below.

2. Heard learned counsel for petitioners and carefully perused the materials available on record. This Court also went through the impugned order.

3. The respondents/plaintiffs filed the suit in O.S.No.4948 of 2024 seeking for the relief of recovery of money based on a promissory note executed. The application in I.A.No.1 of 2026 came to be filed on the ground that the first defendant company is neither a signatory in the promissory note nor a borrower of the money and therefore, the first defendant is an unnecessary party to the suit and accordingly, the defendants sought for striking off the name of the first defendant.

4. The Court below, while dealing with the application, came to a conclusion that there are transactions, which have been done through the first

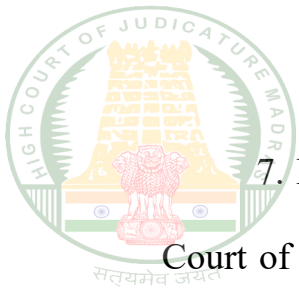


defendant company and therefore, the first defendant company is a necessary party to the proceedings and accordingly, dismissed the application. Aggrieved by the same, the present revision has been filed before this Court.

5. The main ground urged by learned counsel for petitioners is that only the maker of the promissory note can be proceeded against and to substantiate this submission, learned counsel relied upon Section 4 and Section 28 of the Negotiable Instruments Act. It is the submission that the first defendant company had not signed the pronote since the pronote does not bear the name or seal of the company and the company had not passed any Board resolution for execution of the pronote by the deceased Samson Jacob and therefore, the first defendant company, by no stretch, can be stated to be a necessary or a property party to the proceedings.

6. The Court below while dealing with this issue has rendered the following finding:

“8. Heard both sides and perused the records. The Respondents/Plaintiffs filed Bank Statement of the 2nd plaintiff and same is marked as Ex.R1. On perusal of Ex.R1 Document the bank statement of the 2nd plaintiff, it is shown as part of the borrowed amounts have been made by way of bank transfer from the plaintiff's bank account into the 1st Defendant's Gaia Consulting and Solution Pvt. Ltd., current account i.e. a sum of Rs.3,00,000/- and a further sum of Rs.2,00,000/- was paid by the 2nd plaintiff to the 1st defendant company. Hence the 1st defendant company is liable to the outstanding loan amount and as such the 1st defendant company is a necessary party to the proceedings and cannot be Struck Off from the suit. Therefore, the Suit for recovery of money as against the defendants are maintainable.”



7. Learned counsel for petitioners relied upon the judgments of the High Court of Rajasthan in ***Ballabh Das v. Rajesh Chand Gupta and Others*** [1987 (2) WLN 778] and High Court of Kerala in ***P.R.S.Pillai v. Sathyanesan*** [AIR 1965 Ker 155].

8. In the considered view of this Court, the Court below has taken note of the transaction that has taken place from the bank account of the first defendant company and came to a conclusion that the first defendant company is a necessary party. Even assuming that the first defendant company is not a necessary party, certainly, based on the *prima facie* materials, the first defendant company is a proper party to the proceedings. The judgments relied upon by learned counsel for petitioners are judgments, which have been rendered after completion of the trial based on evidence recorded. Therefore, those judgments will not come to the aid of the petitioners. It is left open to the petitioners to raise the same ground before the Court below after recording of evidence and when the Court below finally decides the suit on merits, the same will be considered by the Court below without being influenced by the order passed in the interlocutory application or the order passed in the present revision. The order of the Court below does not suffer from perversity warranting interference of this Court.



Accordingly, this civil revision petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

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20-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

gm

To

The IV Additional Judge,

City Civil Court, Chennai.



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Case Citation: (2026) ibclaw.in 4947 HC

CRP No.5004 of 2



N.ANAND VENKATESH, J.

gm

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