



# IN THE NATIONAL COMPANY LAW TRIBUNAL

## KOCHI BENCH

**IA (C/Act)/31/KOB/2026**

**In**

**CP(C/Act)/19/KOB/2024**

*(Under Rule 11 and Rule 32 of  
the NCLT Rules 2016 )*

**Date of Institution: 06.03.2026**

**Order delivered on: 06.05.2026**

***In the matter of: M/S Sea Blue Shipyard  
Limited***

***Memo of parties:***

**O.C. John,**

Kanichukulam House,  
22/136B, Near Aquinas College, Edakochi,  
Kochi 682010

Email ID: ocjohn123@gmail.com

**..... Applicant**

**-Vs-**

**SEA BLUE SHIPYARD LIMITED**

1/212, V.P. Road, Azheekal P.O., Vypin,  
Ernakulam, Kerala- 682508,

Email : md@seablueshipyard.com

**... Respondent 1**

**Mr. Jroish G.**

Kanippilly, 33/343A, Kanippilly House,  
Vennala HS Road, Kochi, Kerala- 682028,

Email: jroish@gmail.com

**... Respondent 2**

**Mr. Shaji Joseph,**

Elenjickal House, Edamanathara, East of  
Palace Road, Alappuzha 688011,

DIN:07063210

Email ID: elenjickalshaji@yahoo.com,

**... Respondent 3**



**Dr. Raju Varghese C,**  
Chellakudam House, Mala Pallipuram P.  
O, Thrissur-680732 DIN: 02830301,  
Email ID: drrajuvarghese@hotmail.com.  
**... Respondent 4**

**Mr. Omer Moyinkutty,**  
Athanickal House, Mampad P.O,  
Malappuram- 676 542,  
DIN: 07282120,  
Email ID: omkutty@gmail.com  
**... Respondent 5**

**Mr. Pandippilly Pylie Antony,**  
Pandippilly House, Chathedam,  
Thuruthipuram, 680667, DIN:  
Email ID: apandippilly@gmail.com  
**... Respondent 6**

**Mr. Vypukaran Abubaker Jamal**  
(Deceased), Vypukaran House,  
Malippuram  
P.O, Elamkunnapuzha, Kochi-682 511  
Email ID:vajamal@yahoo.com  
**... Respondent 7**

**Mr. T.P. John,**  
Tharayil House, Sree Ayyappa Road,  
Kuriachira P.O., Thrissur, Kerala- 680006  
Email: tpjohn@gmail.com  
**... Respondent 8**

**Mr. Shoukath Ali,**  
Meledath House, Kadannamanna P.O.,  
Malappuram-679 324  
DIN: 10287504, Email ID:  
shoukath.aaa@gmail.com  
**... Respondent 9**



**Mrs Nazeem Jamal,**  
Team Lifting 306, Al Khuzaim  
Commercial Complex, King Abdul Aziz  
Road, PO Box 32374. Al Khobar 31952  
Saudi Arabia Email: amjathvj@gmail.com  
**... Proposed Respondent 10**

**Amjath V.J.,**  
Team Lifting 306, Al Khuzaim  
Commercial Complex, King Abdul Aziz  
Road, PO Box 32374. Al Khobar 31952  
Saudi Arabia Email:amjathvj@gmail.com

**... Proposed Respondent 11**

**Ms Anjum V J,**  
453B, Bukit Batok West Ave 8, 08-771  
West Terra @ Bukit Batok, Singapore  
**... Proposed Respondent 12**

**Coram:**

**HON'BLE MEMBER (JUDICIAL) : SHRI. VINAY GOEL**

***Appearances:***

For the Applicant : Ms. John Nellimala Sarai, Advocate.  
For the Respondent R1, R2 : Mr. Vivek Kumar, CS.  
For the Respondent R3, R4, R5, R6, R8 and R9 : Ex-parte

**ORDER**

1. The present application has been filed under Rule 11 and Rule 32 of the NCLT, Rules, 2016, seeking the following reliefs: -
  - A. *To implead the proposed additional Respondents R-10, R-11 and R-12 as Respondents in the main Company Petition CP (C/Act)/19/KOB/2024*
  - B. *To pass such other order as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.*



**Brief facts of the case: -**

2. It is submitted that the applicant has filed the present Interlocutory Application seeking the impleadment of three persons as Respondent Nos. 10, 11, and 12, being the legal heirs of the deceased Respondent No. 7. It is stated that, Mr. Vypukaran Abubakar Jamal, who was originally arrayed as Respondent No. 7 in (C/Act)/19/KOB/2024, passed away on 12.07.2024. The company petition was prepared under the instructions of the applicant, and signed the same on 11.07.2024. The petition was thereafter e-filed by the counsel for the applicant on 15.07.2024. At the time of filing, the applicant had no knowledge of the death of Respondent No. 7.
3. The Applicant has further submitted on behalf of the applicant that the legal heirs of the deceased Respondent No. 7 are necessary and proper parties, and therefore may kindly be impleaded as Additional Respondents in the main Company Petition. It is further submitted that the applicant had earlier filed IA (C/Act)/116/KOB/2025 seeking impleadment of the proposed respondents. However, the said application was dismissed by this Tribunal vide order dated 15.10.2025, with costs. Liberty was, however, granted to the applicant to file a fresh application in accordance with law.
4. Respondent No. 1 and 2 entered appearance and filed their reply, opposing the present application and praying for its dismissal. It is submitted by them that the main Company Petition had been instituted against a deceased person and, therefore, the present application is liable to be dismissed. They further submitted that proceedings initiated against a dead person are a nullity in the eye of law, rendering the application itself not maintainable. It is also contended that the applicant has no right to seek impleadment of Additional Respondents as prayed for. The Applicant, in response, filed a rejoinder reiterating and elaborating upon the facts as set out in the main Company Petition.



**Findings: -**

5. Upon hearing both sides and perusing the pleadings and documents placed on record, it is observed that there is no dispute between the parties about the date of death of the Respondent No. 7, Mr. Vypukaran Abubakar Jamal, who expired on 12.07.2024. It is further evident from the records of Company Petition filed under Sections 241 and 242 of the Companies Act, 2016, bearing No. CP (C/Act)/19/KOB/2024, that the same was signed on 11.07.2024 and e-filed on 15.07.2024, and during intervening period Respondent No. 7 had passed away on 12.07.2024. The applicant has contended that he was not aware of the death of Respondent No. 7 at the time of filing of the petition. This Tribunal finds no reason to disbelieve the statement made on oath in the present application. In the given circumstances, procedural technicalities ought not to be permitted to defeat the ends of justice.
6. If the applicant was not aware of the death of Respondent No. 7 at the time of filing of the petition, the legal heirs of Respondent No. 7 may be brought on record as additional respondents by way of an impleadment application. The applicant has, in the rejoinder, relied upon the judgment of the Hon'ble Supreme Court in Pankajbhai Rameshbhai Zalavadia vs. Jethabhai Kalabhai Zalavadia (Deceased) through LRs & Ors., (2017) 9 SCC 700. The relevant portion of the said judgment reads as under:

*"In a suit seeking cancellation of sale deed, as mentioned supra, a person who has purchased the property and whose rights are likely to be affected pursuant to the judgment in the suit is a necessary party, and he has to be added. If such purchaser has expired, his legal representatives are necessary parties. In the matter on hand, since the purchaser of the suit property, i.e., defendant no.7 has expired prior to the filing of the suit, his legal representatives ought to have been arrayed as parties in the suit while presenting the plaint. As such impleadment was not made at the time of filing of the plaint in view of the fact that the plaintiff did not know about the death of the purchaser, he cannot be non-suited merely because of his ignorance of*



*the said fact. To do justice between the parties and as the legal representatives of the purchaser of the suit property are necessary parties, they have to be impleaded under Order 1 Rule 10 of the Code, inasmuch as the application under Order 22 Rule 4 of the Code was not maintainable.*

*As mentioned supra, it is only if a defendant dies during the pendency of the suit that the provisions of Order 22 Rule 4 of the Code can be invoked. Since one of the defendants i.e. defendant No.7 has expired prior to the filing of the suit, there is no legal impediment in impleading the legal representatives of the deceased defendant No.7 under Order 1 Rule 10 of the Code, for the simple reason that the plaintiff in any case could have instituted a fresh suit against these legal representatives on the date he moved an application for making them parties, subject of course to the law of limitation. Normally, if the plaintiff had known about the death of one of the defendants at the time of institution of the suit, he would have filed a suit in the first instance against his heirs or legal representatives. The difficulty that the High Court experienced in granting the application filed by the plaintiff under Order 1 Rule 10 of the Code discloses, with great respect, a hyper-technical approach which may result in the miscarriage of justice. As the heirs of the deceased defendant no.7 were the persons with vital interest in the outcome of the suit, such applications have to be approached keeping in mind that the Courts are meant to do substantial justice between the parties and that technical rules or procedures should not be given precedence over doing substantial justice. Undoubtedly, justice according to the law does not merely mean technical justice but means that law is to be administered to advance justice."*

7. In light of the aforesaid judgment, an application for impleadment under Rule 11 is maintainable and can be treated as akin to an application under Order I Rule 10 of the Code of Civil Procedure, 1908. Accordingly, this Tribunal finds no legal impediment in granting the relief sought by the applicant.
8. Accordingly, the proposed Respondents are impleaded as Respondent Nos. 10, 11, and 12. The applicant is directed to file an additional memo of parties



and to carry out necessary corrections in the main Company Petition for future reference and record.

9. The applicant is further directed to mention against the name of Respondent No. 7 “died on 12.07.2024,” in the cause title so as to avoid any confusion in future. The applicant shall file an amended copy of the petition and is permitted to incorporate a relevant paragraph regarding the impleadment of Respondent Nos. R10, R11, and R12, as well as the factum of death of Respondent No. 7, without making any other changes to the existing pleadings and upload the amended petition on the DMS portal after following due procedure.
10. In view of the observations made, **IA(C/ACT)/31/KOB/2026 in CP(C/Act)/19/KOB/2024 is allowed and disposed of.**
11. The Registry is hereby directed to send e-mail copies of this order forthwith to all the parties and their counsel for information and to take necessary steps.
12. Let the certified copy of this order be issued, if applied, upon compliance with the requisite formalities.
13. File be consigned to records.

**Sd /-**

**VINAY GOEL  
(MEMBER JUDICIAL)**

Signed on this the 6<sup>th</sup> day of May, 2026.

*Steno/Dhanya*