

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

OP(C).No. 2565 of 2014 (O)

OS 1933/2014 of MUNSIF COURT, THIRUVANANTHAPURAM

PETITIONER/1ST DEFENDANT :

**DEVI SCAN PVT. LTD.,
KUMARAPURAM, THIRUVANANTHAPURAM
REPRESENTED BY ITS MANAGING DIRECTOR.**

**BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.PRATHAP PILLAI
SRI.BENOJ C AUGUSTIN
SRI.SEBIN THOMAS
SRI.VIVEK V. KANNANKERI
SRI.VISHNU BHUVANENDRAN**

RESPONDENTS/PLAINTIFF AND 2ND DEFENDANT :

- 1. AJITH S, AGED 60 YEARS,
S/O. SOMAN, KILITHATTIL HOUSE, T.C. 1/12(2)
CHERUVAKKAL, ULLOOR, THIRUVANANTHAPURAM-695011.**
 - 2. A.R. NAUSHAD,
MANAGING DIRECTOR, DEVI SCAN PVT. LTD., KUMARAPURAM
THIRUVANANTHAPURAM-695011.**
- R1 BY ADVS. SRI.PIRAPPANCODE V.S.SUDHIR
SRI.JELSON J.EDAMPADAM**
- R2 BY ADVS. SRI.MANUEL KACHIRAMATTAM
SMT.MERRY GEORGE**

**THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 07-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE RESOLUTION DATED 12-7-2013 : 11 OF THE BOARD OF DIRECTORS OF THE 1ST DEFENDANT/PETITIONERS COMPANY.
- P2: TRUE COPY OF THE PLAINT IN O.S. 1933/2014 ON THE FILE OF THE LEARNED MUNSIFFS COURT, THIRUVANANTHAPURAM.
- P3: TRUE COPY OF THE AFFIDAVIT AND PETITION FOR TEMPORARY INJUNCTION FILED BY THE PLAINTIFF AS I.A. NO. 8277/2014 IN O.S. 1933/2014.
- P4: TRUE COPY OF THE PLAINT IN O.S. 287/2012 FILED ON 1ST MARCH 2012.
- P5: TRUE COPY OF THE WRITTEN STATEMENT DATED 1-2-2013 IN O.S. 287/2012 FILED BY PLAINTIFF/1ST RESPONDENT.
- P6: TRUE COPY OF THE WPC 24969/2014 AND THIS HONOURABLE COURT PASSED INTERIM ORDER DATED 29-9-2014.
- P7: TRUE COPY OF THE JUDGMENT DATED 9-10-2014 OF THIS HONOURABLE COURT IN WPC 24969/2014.
- P8: TRUE COPY OF THE COUNTER AFFIDAVIT DATED 17-10-2014 FILED BY THE 1ST DEFENDANT ON 20-10-2014 IN O.S. 1933/2014.
- P9: TRUE COPY OF THE PETITION DATED 29-10-2014 FILED BY THE 1ST DEFENDANT AS I.A. 8963/2014 IN O.S. 1933/2014 TO VACATE THE STATUS-1UO ORDER.
- P10: TRUE COPY OF THE ORDER DATED 4-11-14 ISSUED BY THE LEARNED MUNSIFF IN O.S. 1933/2014 AS PUBLISHED IN THE WEBSITE OF E-COURTS SERVER.
- P11: COPY OF THE ORDER E-MAIL REPLY RECEIVED FROM THE DEPARTMENT.
- P12: COPY OF O.S. 219/2014 ON THE FILE OF SUB COURT-II, THIRUVANANTHAPURAM

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE

P.BHAVADASAN, J.

O.P.(C) No. 2565 of 2014

Dated this the 07th day of January, 2015

J U D G M E N T

The scope of this original petition has become considerably limited in that the interim order passed by the court below is assailed before this Court. This Court, by order dated 07.11.2014, modified the order which reads as follows:

“Whatever that be, there is no reason as to why the meeting scheduled to be held on 08.11.2014 should be stalled.

It is made clear that the status quo order passed by the court below on 04.11.2014 will not stand in the way of the company holding the Annual General Meeting in accordance with the agenda on 08.11.2014. It is also made clear that any decision taken thereon will be subject to the result of this original petition.”

2. It is now brought to the notice of this Court that because of the stay order granted by this Court, I.A.No. 8963/2014 in O.S.No. 1933/2014 could not be disposed of.

This petition is disposed of directing that I.A.No.8963/2014 may be taken up at the earliest and disposed of as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment. It is made clear that the interim order passed by this Court on 07.11.2014 will be in force till then.

Sd/-
P.BHAVADASAN
JUDGE

ds

//True copy//

P.A. to Judge