



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2025

WEB COPY

CORAM

**THE HONOURABLE DR JUSTICE G. JAYACHANDRAN
AND
THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN**

APPLN No. 337 of 2015

AND

APPLN NO. 338 OF 2015, APPLN NO. 339 OF 2015 in IP NO. 25 OF 2014

1. The Official Assignee
High Court, Madras.

Applicant(s)

Vs

1. S.Arjunlal Sunderdas
No.23, Anderson Road,
Nungambakkam, Chennai-600 006.

2.Rajkumar Menon
S/o.Late Sri K.T.Balakrishna Menon
Sun Plaza, II Floor, 19th G.N.Chetty
Road, Madras - 600 006.

3.Venkatesh R
S/o.late M.V.Ramanna No.21/1, 11th
Cross, Katthriguppa Main Road,
Bangalore - 560 050.

4.Raghunath S
S/o.Late H.Shankar No.306, 17th C
Main, 3rd Block, Rajaji Nagar,



Bangalore - 560 010.

5.Jayanthilal N.Shah

S/o.Late N.P.Shah Bo.211, Nagarthpet,
1st Floor, Bangalore - 560 002.

6.Mrs.Esha G.Shah

S/o.Girish J.Shah No.5/1, North Public
Square Basavanagudi, Bangalore.

7.N.Punit N.Shah

S/o.NJ Shah No.106, Venkateshwara
Market, 120 Avenue Road, Bangalore
560 002.

Respondent(s)

APPLN No. 338 of 2015

1. The Official Assignee
High Court, Madras.

Appellant(s)

Vs

1. S.Arjunlal Sunderdas
No.23, Anderson Road,
Nungambakkam, Chennai-600 006.

2.Rajkumar Menon
S/o.Late Sri K.T.Balakrishna Menon
Sun Plaza, II Floor, 19th G.N.Chetty
Road, Madras - 600 006.

3.Venkatesh R
S/o.late M.V.Ramanna No.21/1, 11th
Cross, Katthriguppa Main Road,
Bangalore - 560 050.



4.Raghunath S

S/o.Late H.Shankar No.306, 17th C

Main, 3rd Block, Rajaji Nagar,

Bangalore - 560 010.

5.Jayanthilal N.Shah

S/o.Late N.P.Shah Bo.211, Nagarthpet,

1st Floor, Bangalore - 560 002.

6.Mrs.Esha G.Shah

S/o.Girish J.Shah No.5/1, North Public

Square Basavanagudi, Bangalore.

7.N.Punit N.Shah

S/o.NJ Shah No.106, Venkateshwara

Market, 120 Avenue Road, Bangalore

560 002.

Respondent(s)

APPLN No. 339 of 2015

1. The Official Assignee

High Court, Madras.

Appellant(s)

Vs

1. S.Arjunlal Sunderdas

No.23, Anderson Road,

Nungambakkam, Chennai-600 006.

2.Rajkumar Menon

S/o.Late Sri K.T.Balakrishna Menon

Sun Plaza, II Floor, 19th G.N.Chetty

Road, Madras - 600 006.

3.Venkatesh R



S/o.late M.V.Ramanna No.21/1, 11th
Cross, Katthriguppa Main Road,
Bangalore - 560 050.

4.Raghunath S

S/o.Late H.Shankar No.306, 17th C
Main, 3rd Block, Rajaji Nagar,
Bangalore - 560 010.

5.Jayanthilal N.Shah

S/o.Late N.P.Shah Bo.211, Nagarthpet,
1st Floor, Bangalore - 560 002.

6.Mrs.Esha G.Shah

S/o.Girish J.Shah No.5/1, North Public
Square Basavanagudi, Bangalore.

7.N.Punit N.Shah

S/o.NJ Shah No.106, Venkateshwara
Market, 120 Avenue Road, Bangalore
560 002.

Respondent(s)

IP No. 25 of 2014

1. Smt.Chitra Desai

Appellant(s)

Vs

1. Mr.Arjulal Sunderdas

Respondent(s)

**APPLN No. 337 of 2015****PRAYER**

To pass an permanent injunction restraining the respondents 2 to 7, their agents, servants or any one claiming through them from interfering with the possession of the property admeasuring of 105 acres bearing Survey Nos. 45, 56, 57,58,59,60,64,65,67,68,76,77,78,79, 84,85,86,87,88,103,104,105,106 and 107 in Shetterahalli Village, Kasaba Hobli, Devanahalli Taluk, Bangalore District which is vested with and in possession of the Official Assignee.

APPLN No. 338 of 2015**PRAYER**

To direct the 2nd respondent Rajkumar Menon to execute a sale deed in respect of the property admeasuring 105 acres or thereabouts bearing Survey Nos. 45, 56, 57,58,59,60,64,65,67,68,76,77,78,79, 84,85,86,87,88,103,104,105,106 and 107 in Shetterahalli Village, Kasaba Hobli, Devanahalli Taluk, Bangalore District which is vested with and in possession of the Official Assignee.

APPLN No. 339 of 2015**PRAYER**

To bring the property admeasuring 105 acres or thereabout bearing Survey Nos. 45, 56, 57,58,59,60,64,65,67,68,76,77,78,79, 84,85,86,87,88,103,104,105,106 and 107 in Shetterahalli Village, Kasaba Hobli, Devanahalli Taluk, Bangalore District as per the statutory charge created under Section 55(4)(b) of the Transfer of property Act on payment of entire sale consideration for public auction and the sale proceeds be applied for payment to the general body creditors.

APPLN Nos. 337 to 339 of 2015

For Applicant(s): To Pass An Permanent Injunction
M/s.K.V.Ananthakrushnan
V.Chandrasekar
K.P.Muralidharan



For Respondent(s): .

1. M/s.N.Jothi
R.Bamini
J.Vishnu Prem
For R1 / Insolvent
 2. Rajkumar Menon
 3. Venkatesh R
 4. Raghunath S
 5. Jayanthilal N Shah
 6. Mrs.Esha G Shah
 7. N.Punit N Shah
- Respondents 2 To 7
M/s.Gupta
Mr.Ravi
Counsel For Res.5 6and 7

ORDER

P.W.1 Mangaiarkarasi was examined in chief on 24.11.2022, 19.10.2023 and 23.08.2024. Thereafter, there was no progress in the cross examination and hence the learned Master has posted the matter before the Regular Court for further proceedings. At that juncture, the respondents have filed applications for re-open and re-call of PW1 and the said applications were allowed by this Court on 08.01.2025 unfortunately even thereafter the cross examination of witness has not commenced.



2. The learned counsel appearing for the Official Assignee reports that since the witness has to go on medical leave the respondent shall either cross examine within a week time or the Official Assignee may be permitted to substitute another witness to proceed with the trial.

3. The learned counsel appearing for the respondent states that they will cross examine the witness on 24.07.2025.

4. Recording the same, the matter is posted before the learned Master for recording cross-examination. The counsel are directed to complete to cross examination on that date and proceed further.

(G.JAYACHANDRAN J.)(C.V.KARTHIKEYAN J.)

16.07.2025

Vv



WEB COPY

APPLN Nos. 337 to 339 of 201



**G.JAYACHANDRAN J.
AND
C.V.KARTHIKEYAN J.**

**APPLN No. 337 of 2015
AND APPLN NO. 338
OF 2015,APPLN NO.
339 OF 2015 in IP NO.
25 OF 2014**

16-07-2025