

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

O.S.A.Nos.295 of 2014
and 23 to 27 of 2015

Vanbey Holdings Private Limited
Rep. By its Managing Director,
I.Varkey. .. Appellant in all OSAs.

-vs-

1. Shanthi Subramanian ..Ist Respondent in OSA.295/14 /
Plaintiff.
2. The City Centre Point
A registered Partnership Firm,
Rep. by its Partner. ..2nd Respondent in OSA.295/14,
23/15, 24/15.
3. Gemini Arts Pvt. Ltd.,
Rep. by its Managing Director,
A.Ravi Shankar Prasad. ..3rd Respondent in OSA.295/14
..4th Respondent in OSA.24/15.
4. Green Gardens Pvt. Ltd.
Rep. by its Managing Director,
A.Ravi Shankar Prasad. ..4th Respondent in OSA.295/14.
..5th Respondent in OSA.24/15.
5. Hariharasudan
S/o. N.Ramaswamy ..5th Respondent in OSA.295/14,
26/15.
6. Dr.Kaleel Ahamath ..6th Respondent in OSA.295/14,
25 & 26/15.
..7th Respondent in OSA.No.27/15.
7. A.Manorama @ ManoAkkineri ..1st Respondent in OSA.23/15/
Plaintiff.

8. Gemini Arts Pvt. Ltd.,
Rep. by its Director. ..3rd Respondent in OSA.23/15.
9. Green Gardens Pvt. Ltd.,
Rep. by its Director. ..4th Respondent in OSA.23/15.
10. Tamil Nadu Mercantile Bank Ltd.,
Rep. by its Regional Manager. ..1st Respondent in OSA.24/15/
Plaintiff.
11. A.Ravi Shankar Prasad,
Joint Managing Director,
Gemini Pictures Circuit Pvt.Ltd. ..3rd Respondent in OSA.24/15.
12. T.M. Mano ..1st Respondent in OSA.25/15/
Plaintiff.
13. The City Centre Point
Rep. by A.Sriramulu
Chief Executive. ..2nd Respondent in OSA.25/15,
26/15.
..6th respondent in OSA.27/15.
14. Gemini Arts Pvt. Ltd.,
Rep. by its Managing Director,
A.Manohar Prasad. ..3rd Respondent in OSA.25/15,
26/15.
15. Green Gardens Pvt. Ltd.,
By its Managing Director,
A.Manohar Prasad. ..4th Respondent in OSA.25/15,
26/15.
16. Harihara Sudan [Minor]
Rep. by Father & Guardian
N.Ramaswamy ..5th Respondent in OSA.25/15.
17. A.D.Venkata Subramanyan ..1st Respondent in OSA.26/15/
Plaintiff.
18. India Bulls Housing Finance
Ltd., Formerly,
M/s.India Bulls Financial Services
Ltd.,
A Company incorporated under the Companies
Act, 1956, rep. by its Authorised Signatory,
Mr.Inbasekaran. ..1st Respondent in OSA.27/15/
Plaintiff.
- 19.Green Gardens Pvt. Ltd.,
20.Gemini Arts Pvt. Ltd.,

21. Gemini Foundation Pvt. Ltd.
Defendant Nos.2 to 4 are rep.
By their Jr. Managing Director,
A.Manohar Prasad.

..2 to 4 Respondents in OSA.27/15.

A.Manohar Prasad,
S/o. Mr.Anand Rao

..5th Respondent in OSA.27/15.

23. Hariharasudan
Rep. by Power of Attorney Agent,
N.Ramaswamy

..8th Respondent in OSA.27/15.

Appeals filed under Order XXXVI Rule 9 of O.S. Rules read with Clause 15 of the amended Letters Patent, 1865, against the order dated 15.09.2014 passed in A.No.3249 of 2014 in C.S.No.346 of 2014, A.No.2963/14 in CS.No.658/2013, A.No.3134/14 in OA.No.728/10 in CS.No.174/01, A.No.3138/14 in CS.332/14, A.No.3248/14 in CS.345/14, A.No.3260/14 in CS.No.347/14 on the file of original side of this Court.

For Appellant : Mr. Joseph Kodyampara, S.C.
for Mr.K.F.Manavalan

For Respondents : Mr.M.S.Shanmuga Sundaram for R-1
: Mr.Bharath Kumar
for M/s.Sai Bharath Ilan, for R-5
: Mr.A.Gunaseelan
for M/s.Annamma.K., for R-6

COMMON JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

On hearing learned counsel for parties, the following agreed order is passed:

1. The direction contained in the impugned order confirming the interim order stands withdrawn, as the applications under Order 7 Rule 11 as well as under Order 21 Rule 58 of the C.P.C. in execution proceedings are still pending, which ought to be considered first and there is already an ex parte order enuring for the benefit of the plaintiff;
2. The application under Order 7 Rule 11 of the C.P.C should be taken up first by the learned Single Judge, for which purpose the matter will be listed before the learned Single Judge on 09.02.2015. Learned counsel for plaintiff states that they will, in the meantime, obtain instructions whether they seek to prosecute the suit or would confine the relief to pressing their

application under Order 21 Rule 58 of the C.P.C., for which statement can be made, if so instructed, on 09.02.2015.

3. The applications filed under Order 21 Rule 58 of the C.P.C. are stated to have been numbered and the same may be disposed of by the learned Master within a maximum period of three months of communication of this order. If there are other applications filed seeking the same relief, which are not numbered, the same be also got numbered within a week, failing which they shall stand dismissed.

4. On merits, all contentions are open to the parties.

2. The appeals, accordingly, stand disposed of. No costs. Consequently, connected miscellaneous petitions stand closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sra

To

The Sub Assistant Registrar,
Original Side, Madras High Court,
Chennai.

+lcc to M/s.Sai, Bharath & Ilan, Advocate SR.No.5236/15

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23 to 27 of 2015

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