

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2015

CORAM :

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

AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

O.S.A.Nos.270, 271 and 263 of 2015
and M.P.Nos.1 of 2015

M/s.Kotak Mahindra Bank Limited
Rep. By its General Manager. .. Appellant in all the OSAs.

-vs-

1.M/s.Kothari Industrial Corporation Ltd.,
Rep. By its Managing Director,
Mr.Pradip D.Kothari. ... I Respt. in all OSAs. 270 &
271/2015 and Sole Respt.
In OSA.263/2015

2.State Bank of India,
rep. By its General Manager. ... II Respt. in OSA.270/2015

2.ICICI Bank Ltd.
Previous known ICICI Ltd.,
rep. By its General Manager. ... II Respt. in OSA 271/2015

Appeals filed under Order XXXVI Rule 9 of O.S. Rules
against the Order and Decretal Order dated 18.09.2015 in
C.S.Nos.938 and 1013 of 2009 on the file of original side of
this Court and against the order dated 30.10.2015 in C.A.No.697
of 2015 in C.P.No.51 of 2007 on the file of Company Jurisdiction
of this Court.

For Appellant :Mr.Om Prakash
for M/s.Ramalingam Associates

For Respondents :Mr.P.V.Balasubramanian
for Mr.T.Mahendran for R-1 in
OSAs.270 & 271/2015 and for
sole respondent in OSA.263/2015

* * * * *

COMMON JUDGMENT

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

We have heard the learned counsel for parties. Both the learned counsels have agreed to the following arrangements to see an early end to the dispute:-

1. The operation of the order of the learned Single Judge in O.S.A.Nos.270 and 271 of 2015 are set aside remitting the matters to the City Civil Court, with the caveat that the appellant will not raise the issue of any bar of pecuniary jurisdiction;
2. The two suits being C.S.Nos.938 and 1013 of 2009, as also Company Petition No.51 of 2007 be tried by the same learned Single Judge and we pass orders in terms thereof;
3. In the sequence of how matters have to be taken up, the applications for vacation / confirmation of interim relief and for maintainability of the suits would be taken up at the first instance, making it clear that our earlier order in O.S.A.Nos.90 and 91 of 2015 and O.S.A.No.92 of 2015 amounted only to a direction to set aside the order of confirmation and not vacating the original order of stay.
4. Dependant on the fate of the aforesaid applications, the application filed by the respondent being C.A.No.697 of 2015 will be taken up for hearing.
5. The learned Single Judge would endeavour to expedite the matter as early as feasible.

2.The Original Side Appeals are disposed of with the aforesaid observations. No costs. Consequently, M.P.Nos.1 of 2015 stand closed.

-s/d-
Assistant Registrar

True Copy

WEB COPY
Sub-Assistant Registrar

sra

To

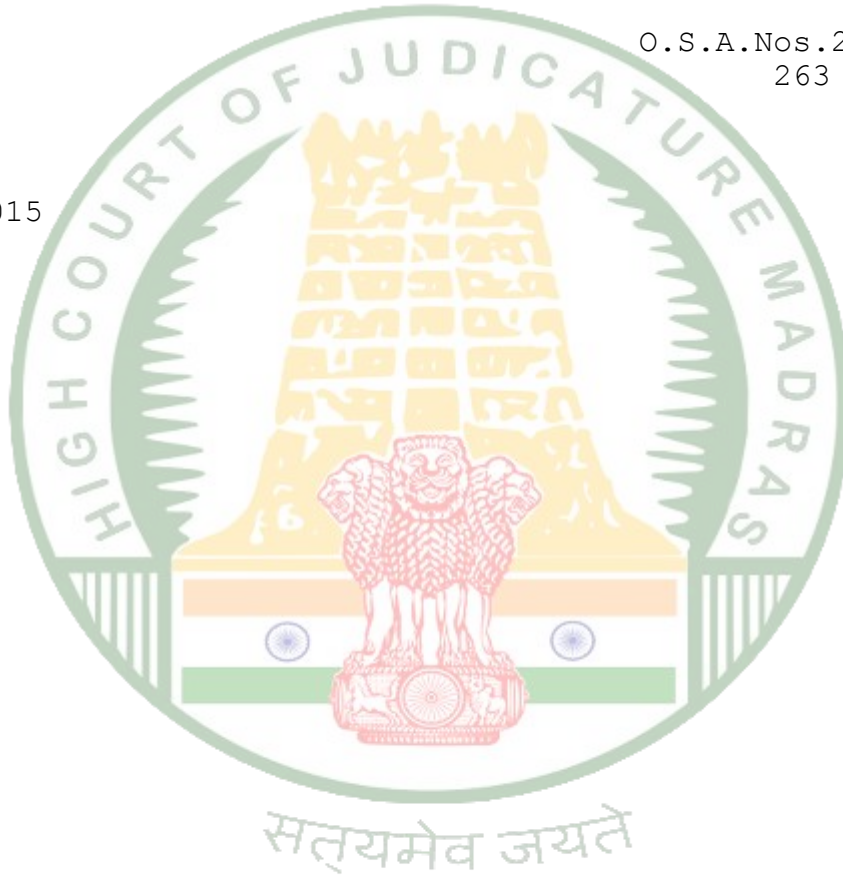
The Sub Assistant Registrar
Original Side, Madras High Court,
Chennai.

+6 ccs to M/S.Ramalingam & Associates sr.69491,
69492, 69490

+3 ccs to Mr.T.Mahendran Advocate sr.69335 to 69337

O.S.A.Nos.270, 271 and
263 of 2015

aa29/12/2015



WEB COPY