

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2015

CORAM

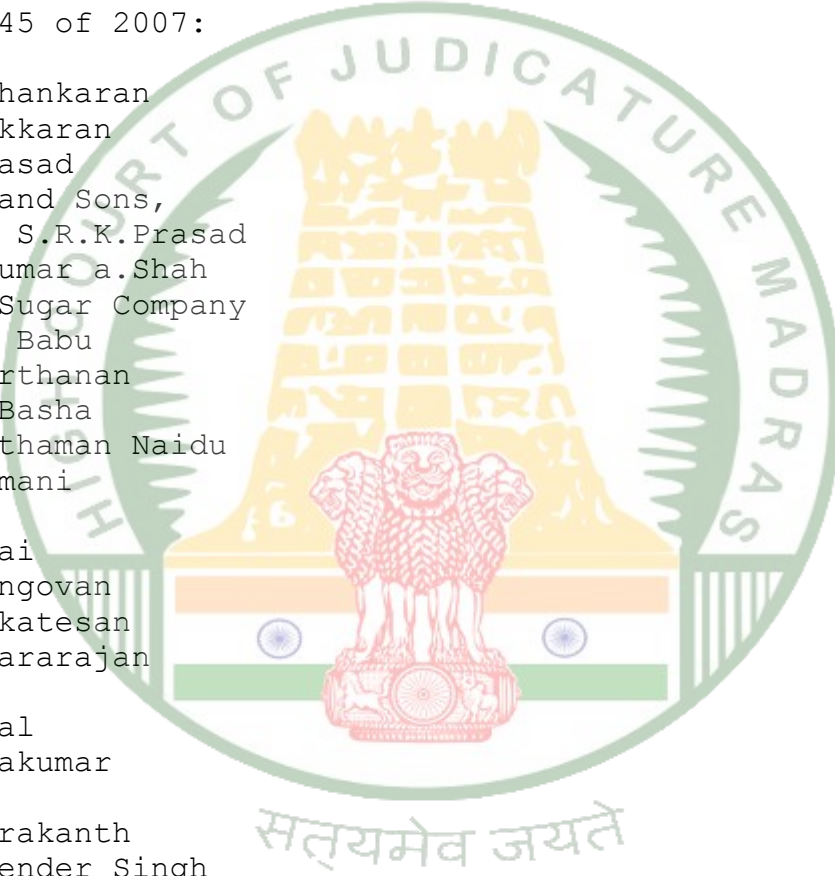
THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and

THE HON'BLE MRS. JUSTICE PUSHPA SATHYANARAYANA

O.S.A.Nos.145, 148, 149 and 165 of 2007

O.S.A.No.145 of 2007:

- 1.M.Gowrishankaran
- 2.N.Prabhakaran
- 3.S.R.K.Prasad
- 4.V.R.K.Grand Sons,
rep. by S.R.K.Prasad
- 5.Arvind Kumar a.Shah
- 6.Jeypore Sugar Company
- 7.D.Chitty Babu
- 8.S.T.Janarthanan
- 9.Y.Anwar Basha
- 10.Puruchothaman Naidu
- 11.R.Veeramani
- 12.P.Durai
- 13.A.Amsabai
- 14.P.S.Elangovan
- 15.K.R.Venkatesan
- 16.S.Soundararajan
- 17.P.Babu
- 18.G.Perumal
- 19.V.Vijayakumar
- 20.B.Vishu
- 21.D.Chandrakanth
- 22.V.Ragavender Singh
- 23.S.Jaishankar
- 24.S.Thangamani
- 25.M.C.Balaji
- 26.P.Madankumar
- 27.V.Arunachalam
- 28.J.Sentamil Arasu
- 29.P.Rajesh
- 30.C.Velu
- 31.K.Palanisamy
- 32.K.Anandhu
- 33.D.Chandrasekar
- 34.J.Mohan



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35.C.Senthilkumar
36.K.Prakash
37.K.S.Arasakumar
38.P.Bright
39.K.Kannan
40.E.Palani
41.T.Srinivasan
42.R.Arunkumar
43.M.Srinivasan
44.T.S.Hariraman
45.M.Jeyarathinam
46.L.Tiagaiah
47.G.S.Talin
48.A.Vakkil
49.A.Murugesh

...Appellants/Applicants/Plaintiffs

Vs.

1.K.C.P.Sugar and Industries Corporation Ltd.,
239, Anna Salai,
Chennai-600 006.

2.Irmgar Velagapudi M.Rao
3.V.Kiran Rao
4.Rajeswari Ramakrishnan
5.K.A.Rangasamy
6.P.Subramani
7.Vinod R.Sethi

...Respondents/Defendants/Respondents

O.S.A.Nos.148 and 149 of 2007:

Rajeswari Ramakrishnan

... Appellant/Applicant

Vs.

1.K.C.P.Sugar and Industries Corporation Ltd.,
rep. by its Director,
239, Anna Salai, Chennai-600 006.

2.Irmgard Velagapudi M.Rao,
Managing Director,
K.C.P. Sugar and Industries Corporation Ltd.,
15, Damodarapuram Main Road,
Adayar, Chennai-600 020.

3.V.Kiran Rao,
Executive Director,
K.C.P. Sugar and Industries Corporation Ltd.,
11M, 3rd Street, Kasturi Estate,
Chennai-600 086.

4.K.A.Rangaswamy,
Director,
K.C.P.Sugar and Industries Corporation Ltd.,
Krishnapuri 2nd street,
R.A.Puram,
Chennai-600 028.

5.P.Subramani,
Director,
K.C.P. Sugar and Industries Corporation Ltd.,
17, Soundararajan Street, Teynampet,
Chennai-600 018.

6.Ranvir Shah,
Director,
KCP Sugars & Industries Corporation Ltd.,
No.21, South Mada Street, Sringer Colony,
Saidapet, Chennai-600 015.

7.Vinod R.Sethi,
Director,
K.C.P.Sugar and Industries Corporation Ltd.,
2/11, Third Street,
Kasthuri Estate,
Chennai-600 086.

8.Prathap K. Moturi,
Director,
KCP Sugars & Industries Corporation Ltd.,
25C, Ranjit Street, Kotturpuram,
Chennai-600 085.

9.P.Sudhir Rao,
Director,
KCP Sugars & Industries Corporation Ltd.,
12F, "Regalia", 3, Sardar Patel Road,
Chennai-600 113.

10.Dr.Vithal Rajan,
Director,
KCP Sugars & Industries Corporation Ltd.,
No.1/2/16-11, First Street, Habsiguda,
Hyderabad-500 007.

...Respondents/Defendants

O.S.A.No.165 of 2007:

S.Chandran

...Appellant/Applicant

Vs.

1.K.C.P.Sugar and Industries Corporation Ltd.,
rep. by its Managing Director,
Irmgard Velagapudi M.Rao,
239, Anna Salai,
Chennai-600 006.

2.Rajeswari Ramakrishnan ...Respondents/Defendants

Original Side Appeal No.145 of 2007 filed under Clause 15 of the Letters Patent read with Order XXXVI, Rule 9 of Original Side Rules against the common order made in Original Application No.102 of 2006 in C.S.No.92 of 2006, dated 02.09.2006.

Original Side Appeal Nos.148 & 149 of 2007 filed under Clause 15 of the Letters Patent read with Order XXXVI, Rule 9 of Original Side Rules against the common order made in Original Application Nos.504 and 505 of 2006 in Tr.C.S.No.445 of 2006, dated 02.09.2006.

Original Side Appeal No.165 of 2007 filed under Clause 15 of the Letters Patent read with Order XXXVI, Rule 9 of Original Side Rules against the common order made in Application No.2405 of 2006 in Tr. C.S.No.386 of 2006, dated 02.09.2006.

O.S.A.No.145 of 2007:

For Appellants सत्यमेव जयते Mr.K.Magesh

For Respondents .. Mr.A.L.Somayaji Senior Counsel for
Mr.A.Govindasamy for R1 & R2
Ms.Kalpana for R3
Mr.T.V.Ramanujam
Senior Counsel for
Mr.G.R.M.Palaniappan for R4
R5 to R7 dismissed vide Court
Order dated 03/12/2009

O.S.A.Nos.148 & 149 of 2007:

For Appellant .. Mr.T.V.Ramanujam
Senior Counsel for
Mr.G.R.M.Palaniappan

For Respondents .. Mr.A.L.Somayaji
Senior Counsel for
Mr.A.Govindasamy for R1 & R2
Ms.Kalpana for R3
R4 to R10 dismissed vide Order
dated 03/12/2009

O.S.A.No.165 of 2007:

For Appellants .. Mr.T.K.Bhaskar

For Respondents .. Mr.A.L.Somayaji
Senior Counsel for
Mr.A.Govindasamy for R1
Mr.T.V.Ramanujam
Senior Counsel for
Mr.G.R.M.Palaniappan for R2

* * * * *

COMMON JUDGMENT

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

The elaborate impugned order arises from the dispute relating to the Board Meeting qua which the appellant in O.S.A.Nos.148 and 149 of 2007 contends that she had no proper notice. In terms of the resolution passed in the Board Meeting, an upper age limit of 75 years was prescribed for Board members.

2. The prima facie findings are that the Emergency Meeting convened on 26.10.2005 and the resolution passed therein cannot be said to be dishonest, unjust and inequitable, and the aspect of the alleged malafide acts and fraud could be determined only post trial. The appellant in O.S.A.Nos.148 and 149 of 2007 is now 85 years old and has been out of the Board for the past 10 years, and the trial in the suits is pending.

3. We may note that since the intention of the parties by the interlocutory relief is only to make some arrangement pending the suits, the present arrangement having continued for the last 10 years, and the findings having been recorded in the elaborate order, there is really no case for interference. The learned counsel for parties cannot seriously dispute this position.

4. In view of the aforesaid facts and circumstances, we dismiss the appeals with a direction that any observations made in the impugned order will not prejudice or stand as an advantage to any of the parties and an endeavour should be made jointly to expedite the trial of the suits.

sd/

ASSISTANT REGISTRAR (Cs-IV)

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SUB-ASSISTANT REGISTRAR

bbr

Copy to:

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

+2 CC to MR.G.R.M.Palaniappan Advocate. SR.NO.62694 , 62695

+1 CC to MR.K.Magesh Advocate. SR.NO. 62696

+1 CC to MR.A.Govindasamy Advocate. SR.NO. 62592

+1 CC to MR.K.HariShankar Advocate. SR.NO.62697

O.S.A.Nos.145, 148, 149, 165/2007

CO-UG
JD 14/12/2015

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