

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

O.S.A.No.209 of 2009

and M.P.No.1 of 2009

1.Salem Textiles Ltd.,  
Rep. By its Managing Director.

2.R.Prabhakaran, Guarantor. ... Appellants/Respondents

-vs-

C.Balasubramanian, IPS (Retd.)  
The Administrator,  
M/s.Fidelity Finance Limited  
(in Liquidation) ... Respondent

Appeal filed under Order XXXVI Rule 9 of O.S. Rules and Clause 15 of the Letters Patent against the order and decree dated 22.01.2008 passed in Company Appl.No.1133 of 2006 in C.P.No.65 of 2002 on the original side of this Court.

CA.No.1133 of 2006

This Company Application praying this Court to permit the Administrator of M/s. Fidelity Finance Ltd., to seize, repossess and sell the Machineries/Equipments mentioned in the schedule which are under the custody of the 1st respondent Company.

For Appellants : No appearance

For Respondent : Mr.B.Dhanraj

J U D G M E N T

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

Learned counsel for the appellants states that they have given change of vakalat more than six months back. However, no other vakalat has been filed.

2.The appeal is directed against the order for sale of machinery. Learned counsel for the respondent / Administrator states that the machinery is still there and the issue is only of title to the machinery which was being claimed by the appellant, but denied by the Administrator on the ground that consideration for the same had not been paid.

3.It appears that with the passage of time, the appellants must have lost interest in prosecuting the appeal.

4.Original Side Appeal, thus, stands dismissed. Consequently, M.P.No.1 of 2009 also stands dismissed.

Sd/-  
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sra

To

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

+1 CC to Mr. B. Dhararaj, Advocate, Sr.No.51096

O.S.A.No.209 of 2009

CTK (CO)  
MD : 16/09/2016

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