

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

O.S.A. Nos.284 to 286 of 2012
and M.P.Nos.1 of 2012
in
OSA No.284 to 286 of 2012
and
MP 2 of 2012 in OSA 284 of 2012

N.Gomathy .. Appellant in all OSAs.

-vs-

1.D.Sam Sunder Raj

2.The Official Liquidator,
High Court, Madras,
As the Liquidator of M/s.Perfect
Benefit Fund Limited (In liquidation)
.. Respondents in all OSAs.

Appeals filed under Order XXXVI Rule 9 of O.S. Rules read with Clause 15 of the Letters Patent against the common order dated 26.04.2012 in C.A.Nos.617, 996 and 997 of 2011 in C.P.No.126 of 2008 on the original side of this Court.

For Appellant : Mr.Niranjan Rajagopalan
for M/s.G.R.Associates

For Respondents : Mr.J.Nithyanandan for R-1
: Mr.S.R.Sundar for R-2

COMMON JUDGMENT

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

The undisputed position is that the property in question stands de-sealed and is in possession of the first respondent

with an interdict against him from dealing with the property. The appellant is claiming right in the property and thus, the learned Company Judge by the impugned order has rightly observed that the parties will have to work out their remedies by civil suit. This position is not disputed by the learned counsel for the appellant. The submission of the learned counsel for the appellant is that the de-sealing has been granted in a subsequent application, even though earlier an application claiming relief in respect of the property had been dismissed.

2. In our view, the fact remains that now the property has been de-sealed and is in possession of the first respondent for quite some time. If the appellant wants to assert any civil rights in respect of the property, she is undisputedly required to file the appropriate suit proceedings and therefore, nothing survives in these appeals.

3. At request of learned counsel for the appellant, we make it clear that the interdict against the property would continue for a period of one (1) month from today without the same having in any manner an effect on the adjudication which has to take place in the suit or any interlocutory application in the suit.

4. Original Side Appeals stand dismissed in the aforesaid terms. No costs. Consequently, connected M.Ps. also stand dismissed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

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

2. The Official Liquidator, High Court, Madras 104.

3 ccs to M/s.G.R.Associates, Advocates, sr.49486 to 49488

O.S.A.Nos.284 to 286 of 2012

vd co

kra 07.09.2016