

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 24TH DAY OF AUGUST 2016

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.A.No.644 of 2016 and A.No.4186 of 2016

in

C.S. No.492 of 2016

and

O.A.No.706 of 2016 & A.Nos.4173 of 2016

in

C.S.No.584 of 2016

C.S. No.492 of 2016:

MAM.Ramaswamy Chettiar Charitable Trust,
represented by its Trustee
Mr.A.C.Muthiah
'Chettinad House'
Raja Annamalaipuram,
Chennai-600 028.

... Plaintiff

Vs

1.Chettinad Cement Corporation Ltd,
Rani Seethai Hall Building,
603, Anna Salai,
Chennai-600 006.

2.MR.MA.MR.Muthiah,
'Chettinad House'
Raja Annamalaipuram,
Chennai-600 028.

3.Mrs.Geetha Muthiah
W/o Mr.MAMR.Muthiah,
'Chettinad House'
Raja Annamalaipuram,
Chennai-600 028.

...Defendants

O.A.No.644 of 2016:-

MAM.Ramaswamy Chettiar Charitable Trust,
represented by its Trustee
Dr.A.C.Muthiah
'Chettiand House'
Raja Annamalaipuram,
Chennai-600 028.

... Applicants/Plaintiffs

Vs

1.Chettinad Cement Corporation Ltd,
Rani Seethai Hall Building,
603, Anna Salai,
Chennai-600 006.

2.MR.MA.MR.Muthiah,
'Chettinad House'
Raja Annamalaipuram,
Chennai-600 028.

3.Mrs.Geetha Muthiah
W/o Mr.MAMR.Muthiah,
'Chettinad House'
Raja Annamalaipuram,
Chennai-600 028.

.... Respondents/Defendants

Original Application praying that this Hon'ble Court
be pleased to grant ad interim injunction restraining the
first Respondent/Defendant company from giving effect to
the resolutions dated 28/03/2016 pursuant to notice dated
24.02.2016.

A.No.4186 of 2016:

1.Chettinad Cement Corporation Ltd,
Rani Seethai Hall Building,
603, Anna Salai,
Chennai-600 006.

..Applicant

vs

1.MAM.Ramaswamy Chettiar Charitable Trust,
represented by its Trustee
Dr.A.C.Muthiah
'Chettiand House'
Raja Annamalaipuram,
Chennai-600 028.

2.MR.MA.MR.Muthiah,
'Chettinad House'
Raja Annamalaipuram,
Chennai-600 028.

3.Mrs.Geetha Muthiah
Wife of Mr.MAMR.Muthiah,
'Chettinad House'
Raja Annamalaipuram,
Chennai-600 028.

..Respondents

Application praying that this Hon'ble Court be pleased to the ex parte ad interim order passed on 10.08.2016 in O.A.No.644 of 2016 in C.S.No.492 of 2016 is to be vacated by this Hon'ble Court.

C.S.No.584 of 2016:

N.Sivaprasad
G-2, Sabari Nivas
17, Lady Madhavan Road,
Mahalingapuram
Chennai - 600 034

..Applicant/Plaintiff
(in both applications)

vs

1.Chettinad Cement Corporation Ltd,
Rani Seethai Hall Building,
603, Anna Salai,
Chennai-600 006.

2.MR.MA.MR.Muthiah,
'Chettinad House'
Raja Annamalaipuram,
Chennai-600 028.

3.Mrs.Geetha Muthiah
W/o. Mr.MAMR.Muthiah,
'Chettinad House'
Raja Annamalaipuram,
Chennai-600 028.

..Respondents/Defendants

(in both applications)

O.A.No.706 of 2016:

Original Application praying that this Hon'ble Court be pleased to pass an interim injunction restraining the first Respondent/Defendant company from giving effect to

the resolutions dated 28.03.2016 pursuant to notice dated 24.02.2016.

A.No.4173 of 2016:

Application praying that this Hon'ble Court be pleased to pass an interim direction directing the defendants to restore the name of the plaintiff as holder of 30 shares in the First Defendant Company.

These Applications coming on this day before this court for hearing the Court made the following order:-

C.S.No.492 of 2016 has been filed by the plaintiff, which is a Charitable Trust, seeking for a declaration that the resolution dated 28.03.2016 passed by the shareholders of the first defendant company pursuant to the notice dated 24.02.2016 as unlawful and unenforceable with the consequential relief of permanent injunction.

2. C.S.No.584 of 2016 has been filed seeking a declaration for the very same relief followed by the consequential prayer of permanent injunction apart from a further prayer of mandatory injunction.

3. The applicant/plaintiff in O.A.No.644 of 2016 and A.No.4186 of 2016 in C.S.No.492 of 2016 seeks to represent one of the major shareholders of the first defendant. The applicant/plaintiff in O.A.No.706 of 2016 and A.No.4173 of 2016 in C.S.No.584 of 2016 is a holder of 30 shares with

the first defendant. Both these applications have been filed by the respective applicant challenging the resolution, which according to them affects materially. Among other grounds, the resolution is sought to be challenged on the ground of want of notice.

4. This Court, heard the learned counsel on either side in extenso. After hearing, for the purpose of disposing of these applications, it is accordingly agreed that the two shares now being held by Chettinad Cement Corporation Ltd., in pursuant to the resolution dated 28.03.2016, shall not be used for the purpose of claiming any voting right. Accordingly, by recording the statement at the Board by the learned Senior Counsel appearing for the first respondent, these applications stand disposed of.

sd/.M.M.S.J

24.08.2016

//Certified to be a true copy//

Dated this the day of 2016

R.s/02.12.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.