

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE R.MAHADEVAN

O.S.A.No.242 of 2016

1. K.Devaraj
2. K.Palanisamy
3. K.Duraisamy
4. K.Rukmani
5. Mayilathal .. Appellants

Vs

1. The Official Liquidator
High Court, Madras
as the Liquidator of
M/s.SIV Industries Limited
(in liquidation)
2. M.Palanisamy .. Respondents

PRAYER: Appeal under Order XXXVI Rule II of the Original Side Rules read with Clause 15 of the Letters Patent against the judgment and decree dated 6.10.2016 passed in C.A.No.1081 of 2014 in C.P.No.17 of 2004.

For Appellants : Mr.Bharath Chakaravarthy
for M/s.Sai, Bharath and
Ilan

सत्यमेव जयते

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

After some arguments, the learned counsel for the appellants does not press the appeal but seeks a clarification as to the effect of the lease executed by the Official Liquidator and the observations in the impugned order qua possession of the second respondent.

2. Insofar as the first aspect is concerned, it is quite clear that those lands were not transferred in pursuance of the

auction sale, as there were found to be some impediments arising from the title not being perfected in favour of the company in liquidation. That being the position, if the appellants seek to set forth a counter title, we see no reason why the grant of lease should come in the way of the appellants establishing their case.

3. Similarly, on the issue of possession, the findings in the impugned order are arising from the payment of lease money by the second respondent to the Official Liquidator and the absence of title documents with the appellants. It is for the appellants to lead evidence in the suit to establish their claim.

The appeal is dismissed as withdrawn in the terms aforesaid.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

To:

1. The Official Liquidator
High Court, Madras
as the Liquidator of
M/s.SIV Industries Limited
(in liquidation)

Copy to:
The Sub Assistant Registrar,
Original side, High Court, Madras.

+1 cc to M/s.Sai Bharath & Ilan,advocate,sr.70447.

ss(co)
krd 8/12

सत्यमेव जयते

O.S.A.No.242 of 2016

WEB COPY