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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

O.S.A.No.30 of 2010
and M.P.Nos.1 and 2 of 2010

1.Tamil Nadu Mercantile Bank Share
Holders Welfare Association,
Rep. by its President, Mr.R.Muthuselvam.

2.G.K.Chezhian .. Appellants

-vs-

1.R.Kannan Adityan

2.Reserve Bank of India
Fort Glacis, Rajaji Salai,
Chennai.

3.Tamilnadu Mercantile Bank Ltd.,
Rep. by its Managing Director & DEO,
No.57, V.E. Road, Tuticorin. .. Respondents

Appeal under Order XXXVI Rule 1 CPC read with Clause 15 of the Letters Patent against the order and decretal order dated 21.12.2009 in App.6891 of 2009 in C.S.No.481 of 2008 on the file of this Court Application praying that this Honb'le Court be pleased to appoint an independent Chairman and scrutinizer preferably a Retired High Court Judge to Chair the 86th and 87th Annual General Meetings of the TamilNadu Mercantile Bank Limited, to be held on January 2010 and to Conduct the same in accordance with law on C.S.No.481 of 2008.



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For Appellants : Mr.P.Wilson, Senior Counsel
for M/s.R.Marudhachalamurthy

For Respondents : Mr.M.S.Krishnan, Senior Counsel
For M/s.P.T.Asha, for RR 14 & 16
: Mr.C.Mohan
for M/s.King & Partridge for R-2
: Mr.R.Sankaranarayanan for R-3
: Mr.B.Baskar for RR 13 & 15
: No appearance for other respts.

J U D G M E N T

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

The appeal is directed against the impugned order dated 21.12.2009 appointing a retired Judge of this Court to Chair the 86th and 87th Annual General Meetings convened on 06.01.2010. This order is actually a sequel to the earlier order dated 26.11.2009 refusing the interim relief of exclusion of shares qua certain voting rights in respect of 83rd and 85th Annual General Meetings.

2.Undoubtedly, the meetings had been held and thus, the question of appointment of the Chairman has become infructuous whatever be the validity of the issue.

3.This Original Side Appeal is clearly infructuous and is, accordingly, disposed of. No costs. Consequently, all the miscellaneous petitions stand closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar



To

The Sub Assistant Registrar,
Original Side,
High Court,
Madras-104.

+1cc to M/S.King & Patridge, Advocate, S.R.No.9690

+1cc to M/S.R.Marudhachalamurthy, Advocate, S.R.No.9542

O.S.A.No.30 of 2010

rsk(CO)

srg(18/02/2016)