

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.03.2017

CORAM

THE HONOURABLE Mr.JUSTICE P.KALAIYARASAN

Tr.C.S.No.446 of 2006

Rajeshwari Ramakrishnan

... Plaintiffs

Vs

1.K.C.P.Sugars and Industries Corporation Ltd.
Rep. by its Director

2.Irmgard Velagapudi M.Rao

3.V.Kiran Rao

4.K.A.Rangasamy

5.P.Subramani

6.Ranvir Shah

7.Vinod R.Sethi

8.Prathap K.Moturi

9.P.Sudhir Rao

10.Vithal Rajan

... Defendants

Plaint filed under Order VII Rule 1 of The Code of Civil Procedure, 1908
praying to pass a Judgment and Decree

[a] declaring that the Meeting of the Board of Directors of the
1st defendant Company purported to have been held on 26th October 2005 is not
a validly convened Board Meeting and that all proceedings, Resolutions and
Decisions taken at the Meeting are bad, invalid, illegal and not binding on the
1st defendant Company;

[b] granting a consequential permanent injunction restraining the
1st defendant Company from implementing or giving effect to any of the

Resolutions purported to have been passed at the Board Meeting on 26th October 2005 and 27th October 2005;

[c] declaring that the appointment of defendants 5 to 10 as Additional Directors of the 1st defendant Company at the purported Board Meeting on 26th October 2005 is invalid and illegal;

[d] granting a consequential permanent injunction restraining the 1st defendant Company from recognizing or permitting Defendants 5 to 10 to function as Directors of the 1st Defendant Company and restraining Defendants 5 to 10 from functioning or claiming any rights as Directors of the 1st Defendant Company;

[e] declaring that the Resolution purported to have been passed at the Board Meeting on 26th October 2005 relieving the Plaintiff from the office of Executive Chairman of the 1st defendant Company without the approval of the General Body Meeting is malafide, invalid and illegal;

[f] declaring that the Resolution dated 27.10.2005 appointing the defendants 5 to 10 as Directors as null and void.

[g] granting permanent injunction restraining the 1st defendant Company and its Directors, Offices and Staff from preventing or interfering in any manner with the functioning of the Plaintiff as Executive Chairman of the 1st defendant Company and from holding any Meeting of the Board of Directors of the 1st defendant Company except under the Chairmanship of the plaintiff, unless the plaintiff is not present at such Meeting;

[h] declaring that the Resolution passed at the Board Meeting of the 1st defendant Company on 26th October 2005, vide item No.12 of its Proceedings, conferring powers of Management on the Managing Director is invalid and illegal and in any event cannot be given effect without the approval of the General Meeting of the 1st defendant Company and also the approval of the Central Government under Section 268 of the Companies Act, 1956.

[i] granting a consequential permanent injunction restraining the 2nd defendant from exercising any of the powers of management conferred on her as Managing Director pursuant to the Resolution of the Board of Directors of the 1st defendant Company dated 26th October 2005; and

[j] granting plaintiff the costs of the suit.

For Plaintiff : Mr.G.RM.Palaniappan
For Defendants : Mr.A.Govindasamy
for D1 & D2
: Mr.K.G.Gopalakrishnan for D7

J U D G M E N T

Learned counsel for the plaintiff seeks permission of this Court to withdraw this Suit and he has also made an endorsement to that effect.

2. In view of the endorsement made by the learned counsel for the plaintiff, this Suit is dismissed as withdrawn. No costs.

16.03.2017

gya

P.KALAIYARASAN, J.

gya

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