

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 21ST DAY OF MARCH 2018

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

A. Nos.1196, 1197 of 2018

in

E.P.No.20 of 1996

and

A.Nos.5302, 5333 of 2017

and

E.P.Nos.193, 194 of 2004

E.P.NO.20 OF 1996:-

R.Hariharasudhan (Minor)

Rep. By his Father and Guardian,

N.Ramasamy,

Residing at No.11, 2<sup>nd</sup> Street, Corporation Colony,

Tondiarpet, Chennai 600 081.

... Petitioner/Defendant

Vs.

1.The City Centre Point,

No.601, Anna Salai, Chennai 6.

2.Gemini Arts Private Limited,

Represented by its Managing Director,

A.Ravi Shankar Parsad,

No.2, Vembuli Amman Koil Street,

Chennai - 600 092.

3.Green Gardens Private Limited,

Represented by its Manager Director,

A.Ravi Shankar Prasad,

No.601, Anna Salai, Chennai 600 002.

: Respondent/Plaintiff

A.Nos.1196 & 1197 of 2018:

Shiloh Vijayakumar,

S/o.G.S.Francis,

Old No.5, New No.9,

Teacher's Colony,

Meenamabakkam, Chennai 27

...Applicant/Applicant/Applicant/3<sup>rd</sup> Party

-vs-

1.R.Hariharasudhan (Minor)  
Rep. By his Father and Guardian,  
N.Ramasamy,  
Residing at No.11, 2<sup>nd</sup> Street, Corporation Colony,  
Tondiarpet,  
Chennai 600 081. ...Respondent/Respondent/  
Decree Holder

2.The City Centre Point,  
Rep.by A.Sriramulu,  
Chief Executive  
No.601, Anna Salai,  
Chennai 6.

3. Gemini Arts Private Limited,  
Represented by its Managing Director,  
A.Ravi Shankar Parsad,  
No.2, Vembuli Amman Koil Street,  
Virugambakkam,  
Chennai - 600 092.

3.Green Gardens Private Limited,  
Represented by its Manager Director,  
A.Ravi Shankar Prasad,  
No.601, Anna Salai,  
Chennai 600 002 ...Respondents/Respondents

**A.No.1196 of 2018:**

Application praying that this Hon'ble Court be pleased to set aside the order dated 30.01.2018 passed in A.No.753 of 2018 on the file of the Hon'ble Master Court and allow the appeal.

**A.No.1197 of 2018**

Application praying that this Hon'ble Court be pleased to set aside the order dated 30.01.2018 passed in A.No.754 of 2018 on the file of the Hon'ble Master Court and allow the appeal.

**A.NO.5302 of 2017:-**

Vanbey Holdings Private Limited  
represented by its Managind Director  
I.Varkey,  
250, Anna Salai, Chennai - 600 002. .. Applicant

-vs.-

1. T.M.Mano  
Son of E.V.K.Ezhilmani  
No.3, City Limit Road, Secretariat Colony,  
Adambakkam, Chennai - 88.

2. Shanti Subramanian  
W/o. Late A.V.Subramanian  
residing at C/72, Paschim Apartments,  
Opp.Kirti College, K.D.Marg, Dadar,  
Mumbai 400 028.

3. The City Centre Point  
A registered Partnership Firm,  
Rep.by its Partner,  
Gemini Pictures Circuit Private Limited  
No.601, Anna Salai, Chennai - 2.

4. Gemini Arts Private Limited  
represented by its Managing Director  
A.Ravi Shankar Prasad,  
No.2, Vembuli Amman Koil Street,  
Chennai - 600 092.

5. Green Gardens Private Limited  
represented by its Managing Director  
A.Ravi Shankar Prasad,  
No.601, Anna Salai, Chennai - 600 002.

... Respondents

Application praying that this Hon'ble Court be pleased to record that it is expedient in the interest of justice that an inquiry should be made into offences including those referred to in clause (b) of sub-section (1) of section of the Indian Penal Code 195, which appears to have been committed in or in relation to proceedings before this Hon'ble Court in E.P.No.194 of 2004, on the file of this Hon'ble Court in respect of documents produced and/or given in evidence in a proceeding in that Hon'ble court, and after making such preliminary inquiry if any as may be deemed necessary to

intitiate appropriate action as per law, against the Respondents.

**A.No.5333 of 2017:**

Vanbey Holdings Private Limited  
represented by its Managind Director  
I.Varkey,  
250, Anna Salai, Chennai - 600 002.      .. Applicant/  
1<sup>st</sup> Respondent/Petitioner

-vs.-

1. Segu Mohideen  
Son of Salaudeen  
38C, West Street, Keelakarai,  
Ramanathapuram District.      ... 1<sup>st</sup> Respondent/  
Applicant/3<sup>rd</sup> Party

2. The City Centre Point  
A registered Partnership Firm,  
Rep.by its Partner, Gemini Pictures Circuit Private  
Limited  
No.601, Anna Salai, Chennai - 2.

3. Gemini Arts Private Limited  
represented by its Managing Director  
A.Ravi Shankar Prasad,  
No.2, Vembuli Amman Koil Street,  
Chennai - 600 092.

4. Green Gardens Private Limited  
represented by its Managing Director  
A.Ravi Shankar Prasad,  
No.601, Anna Salai, Chennai - 600 002.

... Respondent Nos.2-4/ Respondent Nos. 2-4/  
Respondent Nos. 1-3

5. S.A.Srinivasan  
Aged about 45 years  
Son of Ambalavanan, No.99,  
1<sup>st</sup> Avenue, K.K.R.Nagar, Madhavaram,  
Chennai - 600 060.      ... Respondent No.5/3<sup>rd</sup> Party/  
3<sup>rd</sup> Party

Application praying that this Hon'ble Court be pleased to record that it is expedient in the interest of justice that an inquiry should be made into offences referred to in clause (b) of sub-section (1) of section 195, which appears to have been committed in or in relation to proceedings before this Hon'ble Court in A.No. 2614 of 2013 in E.P.No.194 of 2004, in respect of documents produced and/or given in evidence in a proceedings in that court, and after marking such preliminary inquiry if any as it thinks necessary to intitiate appropriate action as per law, against the Respondents.

**E.P.NO.193 OF 2004:-**

Dr.B.Kaleel Ahamath, Rep. By its Power of Attorney  
Agent Paveen Kaled,  
No.8, Sixth Street, Gopalapuram,  
Chennai 600 086

.. Petitioner/  
Decree Holder Defendant

Vs.

1.The City Centre Point  
A Registered Partnership Firm,  
No.601, Anna Salai, Chennai 6.

2.Gemini Arts Private Limited,  
No.601, Anna Salai, Chennai 6

3.Green Gardens Private Limited,  
No.601, Anna Salai, Chennai 600 002.

.. Respondents/Judgement Debtors/  
Plaintiffs

**E.P.NO.194 OF 2004:-**

Vanbey Holdings Private Limited  
represented by its Managing Director, I,  
Varkey,  
250, Anna Salai,  
Chennai 600 002

: Petitioner/  
Decree Holder Defendant

Vs.

- 1.City Centre Point  
Rep. By A.Sriramulu, Chief Executive,  
No.601, Anna Salai, Chennai 2
- 2.Gemini Arts Private Limited,  
Represented by its Managing Director,  
A.Ravi Shankar Prasad,  
No.2, Vembuli Amman Koil Street,  
Chennai 600 092.
- 3.Green Gardens Private Limited,  
Represented by its Managing Director,  
A. Ravi Shankar Prasad,  
No.601, Anna Salai, Chennai 600 002.  
:Respondents/ Judgment Debtors/  
Plaintiffs

These applications coming on this day before this court for hearing the court made the following order:

On 19.12.2017, this court had permitted liabilities and claims attached to the properties should be answered after the sale is effected and at the time the sale is effected and proceeds are distributed. It was also mentioned that only those claims which are ascertained as having legal basis alone shall be taken into account.

2. On that date, the date of sale was fixed at 31.01.2018. This court had been passed successive orders and finally after going through all the objections raised by various parties had finally passed orders to bring the entire property to sale. That order has again finality, and there is no information that the order of this court has been challenged.

3. Further, on 02.01.2018, this court had further applied its mind regarding the upset price to be fixed. It was noted that the Engineer of the decree holder had valued the land and building and had fixed the

value at Rs.120,45,00,000/-. Simultaneously the judgment debtors had also appointed an Engineer who had also given his value and his value was given at Rs.188,00,00,000/-.

4. This Court had adopted a middle method by taking into account both the values and taking the average and fixed the upset price at Rs.1,54,22,50,000/-. The date of sale was fixed at 31.01.2018 at 10.30 a.m at the schedule mentioned property. On 31.01.2018, according to the report that had been received, no bidders had come forward to participate in the auction sale. Consequently it had been urged by the learned counsels who are appearing that this court should re-examine the value fixed. Keeping that in mind, since it is a property measuring about 21 grounds(50,400 Sq. feet) in a prime area in Chennai, the value fixed by the Engineer for the decree holder is taken into account. According to the Engineer for the decree holder the value of the land is Rs.93,45,00,000/-. The Engineer had also valued the building at Rs.27,00,00,000/-. The total value of land and building comes to Rs.120,45,00,000/-. This value is also substantiated by the report dated 18.08.2017 of the Engineer G.Chellaiah Sarathy.

5. Accordingly, the upset price of the entire 21 grounds is now re-fixed at Rs.120,45,00,000/-. The other conditions of sale are to remain as it is. The office has to put up in place a special team for bringing the property to auction sale. The date of auction is now re-fixed on 08.06.2018 at 10.30 a.m. The Registry is also directed to explore e-auction so that there would be wider publicity given, apart from advertising through newspapers as was done on the previous occasion.

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.