

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD).No.1339 of 2018 and
C.M.P.No.6985 of 2018

1. R.Ravi

2. Shobana Ravi

3. RR Infopark Pvt.Ltd,
represented by its Director, Mr.R.Ravi,
RR Towers III, TVK Industrial Estate, Guindy,
Chennai 600 032.

4. Hanudev Investments PVT. LTD.
represented by its Managing Director, Mr.R.Ravi,
RR Towers III, TVK Industrial Estate, Guindy,
Chennai 600 032.

5. RR Tanneries Ltd.
represented by its Director and Authorised
Signatory, Mr.r.Ravi,
RR Towers III, TVK Industrial Estate, Guindy,
Chennai 600 032.

... Petitioners

Vs.

Rudradev Infopark Pvt. Ltd.
represented by its Director
Mr.Kothandaraman Ganesh,
RR Towers III, TVK Industrial Estate, Guindy,
Chennai 600 032.

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 09.02.2018 made in I.A.No.67 of 2017 in O.S.No.82 of 2016 passed by the Principal District Judge, Chengalpet.

For Petitioners : Mr.Vineet Subramani

For Respondent : K.P.Sanjeev Kumar
for caveator

ORDER

The relief sought for in this revision is to set aside the order dated 09.02.2018 made in I.A.No.67 of 2017 in O.S.No.82 of 2016 on the file of learned Principal District Judge, Chengalpattu, Kancheepuram District.

2. The revision petitioners are the defendants in O.S.No. 82 of 2016. The respondent/plaintiff filed the suit in O.S.No.82 of 2016 before the learned Principal District court, Chengalpattu for specific performance.

3. According to the learned counsel for the petitioners, that the Rudradev Infopark Pvt. Ltd., represented by its Director Kothandaraman Ganesh. According to the counsel, he is not a Director to file a suit, and he has falsely amend the public records maintained by Ministry of Corporate Affairs and misused the rubber stamp of the defendant/plaintiff company.

4. Therefore the respondents/defendants filed Interlocutory Application under Order VI Rule 16 r/w Section 151 of CPC in I.A.No.67 of 2017 in the suit seeking to strike out the plaint in O.S.No.82 of 2016. After considering the arguments of both sides, the trial Court dismissed the application.

5. Aggrieved against the said order passed by the trial Court dated 09.02.2018 the revision petitioners are before this Court by way of Civil revision petition.

6. Heard both sides and perused the available records.

7. The learned counsel for the petitioner would submit that the signatory of the plaint is not at all the representative of the plaintiff company or a Director of the company. The entire records of Registrar of companies does not disclose the signatory of the plaint as Director or representative of the company. The plaint signed by an unauthorized person a stranger of the plaintiff company liable to be struck out entirely.

8. It is not in dispute that the signatory of the plaint has been shown as director of the plaintiff's company. Admittedly, the petitioners herein have

not taken action against the respondent so far or not made any criminal complaint or not issued any public notice as to the said Kothandaraman Ganesh is not a Director of the respondent/plaintiff company. Under such circumstances, no grounds made out under Order VI Rule 16 for striking out the plaint. Whatever the defence available to the petitioners they can very well take their defence in their written statement but not by way of filing application like this.

9. This Court does not find any infirmity or illegality in the order passed by the trial court in I.A.No.67 of 2017 in O.S.No.82 of 2016 dated 12.01.2018 and finds no merits in the revision filed by the petitioners herein.

10. In view of the above, the revision petition is dismissed. Consequently, the connected Miscellaneous petition is closed. No Costs.

सत्यमेव जयते

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Index:Yes/No
Speaking order / Non speaking order
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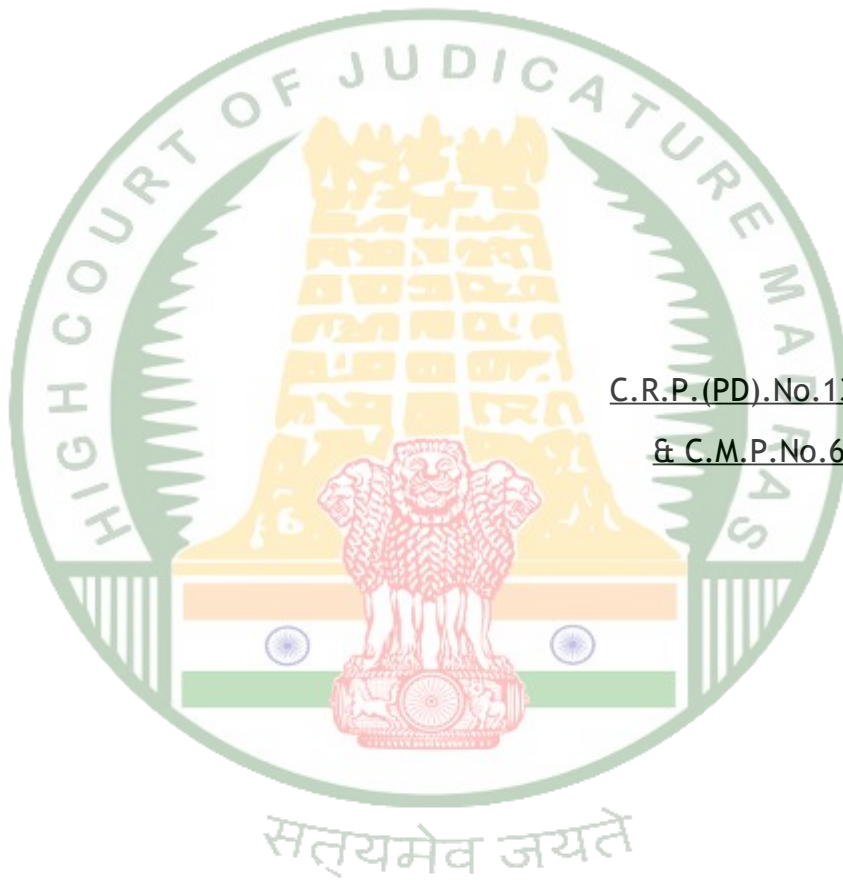
To
The Principal District Judge,
Chengalpattu,
Kancheepuram District.



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P.VELMURUGAN, J.,

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