

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.10.2018

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

C.S. No.323 of 2005

1. A.K.R. Enterprises (P) Ltd.,
Rep. By its Director,
Mr. Farook, 59, M.K.N. Road, Guindy,
Chennai- 600 032

2. K.Hussain

...Plaintiffs

Vs

First Leasing Company of India Limited,
749, Anna Salai,
Chennai- 600 002.

....Defendant

Prayer: Plaint is filed under Order IV Rule 1 O.S. Rules r/w Order VII Rule 1 of C.P.C. for

(a) for specific performance, directing the defendant to deliver to the plaintiffs the items morefully described in schedule 'B' hereunder, as per the terms of the contract dated 24.09.2004, modified by their subsequent letter dated 30.12.2004, within a time to be fixed by this Hon'ble Court, failing which appoint an Officer of Court /Advocate Commissioner to perform the same or in the alternative, directing the defendant to pay the plaintiffs a sum of Rs.30,00,000/- (Rupees Thirty Lakhs Only) together with interest at 24% per annum from the date of plaint till date of realisation;

(b) For a permanent injunction, restraining the defendant, their agents, servants and men and everyone claiming under them and acting on their behalf from, in any way, alienating the items morefully described in schedule 'B' hereunder which have been committed in favour of the plaintiffs as per the terms of the contract, referred to above;

(c) for a mandatory injunction, directing the defendant to hand over to the plaintiffs the scrap items in item No.3 of the schedule of assets and mentioned in their letter dated 24.09.2004 morefully described in item 3 schedule 'A' hereunder and also schedule 'B' hereunder within a time to be

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fixed by this Hon'ble Court or in the alternative, directing the defendant to pay the plaintiffs a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) together with interest at 24% per annum from the date of plaint till date of realisation;

(d) directing the defendant to pay the cost of this suit; and

(e) grant such other suitable relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

For Plaintiffs 1 & 2 : Mr. T.V. Krishnamachari
For Defendant : Ms. J. Madhuri for Official Liquidator

JUDGMENT

As per memo dated 24.10.2018 filed by the plaintiffs, the defendant in the above suit has been wound up by order of this Court dated 31.07.2014 in C.P.No. 255 of 2014 and Company Application No.714 of 2014.

2. The plaintiffs thus seek liberty of this Court to file a claim application before the Provisional Liquidator.

3. The aforesaid memo is placed on file and the plaintiffs are granted liberty as prayed for.

4. The suit is closed recording the above memo. No costs.

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24.10.2018

mrn/sl

Note: Issue this Order Copy on or before 31.10.2018.

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