



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

Original Side Appeal Nos.168 and 169 of 2015

R.Ramesh

...Appellants in both Appeals

vs.

- 1.T.N.K.Govindaraju Chetty (Firm)
Represented by its partner - P.Natarajan
No.48, Anna Salai, Chennai - 600 002.
- 2.Trustee of Sri Agastyar Trust
Represented by its Trustees -
Respondent Nos.7 to 16 herein
No.13, Raja Street, T.Nagar,
Chennai - 600 017.
- 3.Glenrock Estates Private Limited,
Represented by its Director G.Chandrasekar
No.48, Anna Salai, Chennai - 600 002.
- 4.T.N.K.Govindaraju Chetty and Co. Private Limited,
Represented by its Executive Director,
K.N.Varadarajan,
No.48, Anna Salai, Chennai - 600 002.
- 5.Devi Cine Projector Manufacturing and Co.,
A registered Partnership
Represented by its Partner - P.Natarajan
No.48, Anna Salai, Chennai - 600 002.
- 6.Devi Polymers Pvt. Ltd.,
Represented by its Executive Director,
K.N.Krishnaswamy,
No.48, Anna Salai, Chennai - 600 002.
- 7.V.Mari Chetty
- 8.K.N.Krishnaswamy
- 9.K.N.Varadharajan
- 10.K.N.Mohanram



11.P.Srinivasan
12.P.Natarajan
13.R.Gowrishankar
14.M.Sivaprakash
15.G.Chandrasekar
16.G.Srikanth
17.K.N.K.Venkateswaran
18.K.N.K.Suresh
19.K.Raveendran
20.S.Padmashankar
21.M.Praveenkumar
22.N.Sivakumaran
23.G.C.Govindaraju
24.G.Sunilkumar
25.R.Roahan

...Respondent in both Appeals

Original Side Appeals filed under Clause 15 of Letters Patent and Order 36 Rule 9 of the Original Side Rules, against the common order dated 20.03.2015 in O.A.No.800 of 2013 and Application No.4807 of 2013 respectively in C.S.No.701 of 2010.

O.A.800/13 and Application No.4807/13 respectively in C.S.No.701/10:

Original Application praying that this Hon'ble Court be pleased to grant interim injunction restraining the Respondents from purporting to hold or convene any Board Meeting of the 4th Respondent without notice to or in the absence of the Applicant pending disposal of the above suit being subject mater in C.S.No.701/10.

A.No.4807 of 2013:

Application praying that this Hon'ble Court be pleased to direct that the Applicant shall be entitled to continue functioning as a Director of the 1st Respondent with all rights and privileges attached thereto pending disposal of the present suit.

For Appellants : Mr.P.Raghunath
for M/s.T.S.Gopalan and Co.

For Respondents: No appearance for
RR1, 2, to 6 to 8, 11 to 15, 17, 19,
20 and 23 to 25



C O M M O N J U D G M E N T

(delivered by K.K. SASIDHARAN,J.)

WEB COPY

Heard the learned counsel for the appellant and Mr.V.Srikanth, learned counsel on behalf of respondents 3 to 5. None appears on behalf of other respondents.

2. The learned counsel for the appellant made an endorsement indicating that he is withdrawing the Original Side Appeals with liberty to approach the National Company Law Tribunal.

3. The learned single Judge while dismissing the applications in O.A.Nos.800 and 4807 of 2013 granted liberty to the appellant to approach the Company Law Board. It was further observed that it is open to the appellant herein to raise all those pleas either before the Company Law Board or during the trial in the suit. Now that the appellant has withdrawn the appeals, it is open to him to approach the appropriate authority in accordance with law taking into account the liberty granted by the learned single Judge.

4. In view of the endorsement so made, the Original Side Appeals are dismissed as withdrawn. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

svki

To

The Sub Assistant Registrar,
Original Side Section,
High Court, Chennai.

+2cc to M/S.T.S.Gopalan & Co., Advocate Sr.65256, 65257

O.S.A.Nos.168 and 169 of 2015

ad[co]
srg 26/09/2018