

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.10.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.178 of 2016

and

O.A.No.223 of 2016

M/s.Ind Eco Ventures Limited

Having registered office at [Kothari Buildings]

4th Floor, No.114, Mahatma Gandhi Road

Chennai [600 034. Represented by its

Authorised Representative Mr.K.K.Dinakar. .. Plaintiff

Vs.

1.M/s.Kothari Industrial Corporation Limited

Having registered office at

[Kothari Buildings], 4th Floor

No.114, Mahatma Gandhi Road

Chennai [600 034.

2.HDFC Bank

Rep. By its General Manager

No.40, Mahatma Gandhi Road

Nungambakkam Branch

Chennai [600 034.

3.M/s.Bekay Properties Private Limited

[Kothari Buildings], 4th Floor

No.114, Mahatma Gandhi Road

Chennai [600 034.

4.Gemini Iron and Steel Pvt. Ltd

Prince Plaza, Shop No.12 Basement

No.73m Pantheon Road, Egmore

Chennai [600 008. .. Defendants

This Civil Suit is preferred, under Order VII Rule 1 of Civil Procedure Code read with Order IV Rule 1 of O.S. Rules praying

a) For declaration declaring that any resolution passed by the 1st defendant company on the agenda No.7 of the 45th AGM notice dated 29.02.2016 which is scheduled to be held on 30.03.2016 as illegal and null and void.

b) For a permanent injunction restraining the 1st defendant from implementing any resolution passed on the agenda No.7 of the 45th AGM notice dated 29.02.2016 which is schedule to be held on

30.03.2016.

c) For a permanent injunction restraining the 1st defendant from transfer of above schedule property to 4th defendant or any other persons consequent to the resolution passed in the AGM dated 30.03.2016.

d) to pass such further or other relief as this Honourable Court may deem fit and proper in the facts and circumstances of the case.

For Plaintiff : No Appearance

For Defendants : No Appearance

JUDGMENT

Read this in conjunction with and in continuation of earlier proceedings of this Commercial Division dated 22.10.2018 (Yesterday), which reads as follows:

'There is no representation for both sides. To be noted, there is a sole plaintiff and there are four defendants.

List this matter under the caption 'For Dismissal' on 23.10.2018.'

2. Pursuant to the aforesaid proceedings, this suit has been listed under the caption 'FOR DISMISSAL' today.

3. The position is no different today. In other words, there is no representation for both sides today also.

4. In the light of the narrative supra, this suit is dismissed for default/non-prosecution.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

23.10.2018

Speaking/Non-Speaking order

Index : Yes/No

vsm

M.SUNDAR, J.
vsm

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