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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

Review Application No. 98 of 2019

- 1.M/s.Swadharma Swaraiya Sangha
Orthodox National League
Rep.by its Administrator
Mr.Ramamurthy
Regd.Off: No.29 "Karpagama Avenue"
Brodway, Chennai - 600 001.
 - 2.B.V.S.S.Mani (died on 23.06.1999)
 - 3.B.Lalitha Rathnam (died on 27.03.2007)
 - 4.B.V.S.L.Krishna Kishore,
Rathna Prabha, "Karpagama Avenue",
Plot No.9/10, Chennai - 600 028.
 - 5.B.V.S.Lakshmi,
Rathna Prabha, "Karpagama Avenue",
Plot No.9/10, Chennai - 600 028.
 - 6.B.Bhuwaneswari,
Rathna Prabha, "Karpagama Avenue",
Plot No.9/10, Chennai - 600 028.
 - 7.B.V.K.Ramalingeswaradu
Rathna Prabha, "Karpagama Avenue",
Plot No.9/10, Chennai - 600 028.
 - 8.V.K.Dongre (Died on 15.07.2001)
 - 9.Shri Ramalingeswara Trust,
Rep. by its Trustee B.V.S.Mani,
(died on 23.06.1999)
- ... Petitioners

Vs.



- 1.K.L.Manohar
- 2.Mohanram Sastry (died on 15.01.1988)
- 3.C.Srinivasan (died on 29.07.2005)
- 4.M/s.Indian Commerce & Industries Co Pvt Ltd.,
Rep. by its Director, Mr.C.Ravindran,
No.57, Broadway, Chennai - 600 001.

- 5.M/s.Beehive Engineering Alli Ed, Industries Ltd.,
Rep. by its Director Mr.C.Ramesh Kumar,
No.10, Padmarao Nagar,
Secunderabad - 500 025.
(Andhra Pradesh).

6.S.V.Ramana,

7.P.Srinivas

... Respondents

PRAYER : Review filed under Order 47 Rule 1 of C.P.C. read with Section 114 of C.P.C against the order passed in C.M.P.No.3625 of 2017 in O.S.A.No.462 of 2009 dated 04.01.2019.

Prayer in OSA.No.462 of 2009:- To give appropriate direction to the learned Administration to proceed with the Administration of Sangha by calling upon the Appellants 4 to 7 in the above appeal to surrender all the books and records of Sangha from 1982 till date. If the Learned Administrator comes to conclusion there is misappropriation of funds of Sangha by the Appellants 4 to 7 appropriate action may be and hereby taken by him by seeking direction from this Hon'ble court (In CMP.No.3625 of 2017).

For Petitioners : M/s.P.Subba Reddy

For Respondents : Mr.A.K.Mylsamy for R3
Mr.M.Maithri for R4 & R5
Mr.V.K.Sathiamurthy,
Advocate Commissioner

ORDER

(Order of the Court was made by M.M.SUNDRESH.,J)

Seeking to review the order passed in C.M.P.No.3625 of 2017 in O.S.A.No.462 of 2009, dated 04.01.2019, the present petition has been filed.



2. The learned counsel appearing for the petitioners made only one submission that for the audit completed, the records need not be insisted by the learned Administrator.

3. The learned counsel for the contesting respondent submitted that the Company Petition has been filed in the year 1986 and even the evidence given on behalf of the petitioner was to the effect that Audit was not completed at the relevant point of time. Accordingly, the learned counsel states that there are many interpolations. Therefore, the review application will have to be dismissed.

4. We are not inclined to review the order passed. Ultimately, it is for the learned Administrator to take appropriate action in the light of the order passed. Suffice it to say that the petitioners are bound to comply with the orders passed. The effect of non-compliance is taken into consideration at the later point of time. We may only note that the Company Petition has been filed in the year 1986 and, therefore, the contention that the records pertaining to the period prior to that cannot be insisted upon, cannot be countenanced.

5. The Review Petition is dismissed accordingly. No Costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

ssm

To

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

2.The Section Officer,
Judicial Section, High Court, Chennai.

3.The Hon'ble Mr.Justice A.Ramamurthi (Retd. Judge),
High Court, Madras..
Plot No.9, (HIG) TNHB, Phase-II,
Nolambur, Mogappair West,
Chennai-17.



4.Thiru.V.K.Sathiya Murthi,
Advocate Commssioner,
No.106, Additional Law Chamber,
High Court, Madras. Mobile No.9841091331.

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+2cc to Mr.P.Subba Reddy, Advocate, SR.No.10259.
+1cc to AK.Mylsamy, Advocate, SR.No.10250.

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PP (CO)
CSR: 12.03.2020