

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

O.S.A.Nos.251 and 252 of 2012
and M.P.Nos.1 and 1 of 2012

S.P.V. Communications India Limited,
No.42/3, Dr.Narasimhan Salai,
Second Street, Second Lane,
North Boag Road,
Chennai - 17.

.. Appellant in
both O.S.As

Vs

Johnson Joseph

.. Respondent in
O.S.A.No.251 of 2012

Shaj K.Ishara

.. Respondent in
O.S.A.No.252 of 2012

Appeals preferred under Order XXXVI Rule 9 of O.S.
Rules r/w Clause 15 of Letters Patent against the order
dated 04.07.2012 made in C.P.Nos.230 and 236 of 2010.

For Appellant ... Mr.T.Sai Krishnan
for M/s.Sai Bharath & Ilan
in both O.S.As

For Respondent .. Ms.S.Sridevi
in both O.S.As

COMMON JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

As the issue involved in both the appeals is one and
the same, they have been taken up together and disposed by
way of common order.

2.Heard the learned counsel appearing for the
appellant and the learned counsel appearing for the
respondents.

3.The respondent in O.S.A.No.251 of 2012 was the petitioner in C.P.No.230 of 2010 and he made an application for allotment of shares. Thereafter, the company was taken over by the appellant. Since no shares were allotted, the respondent sought for return of money. The appellant took a stand, denying the receipt of neither money nor application. The Company Court felt that sufficient evidence is available in the statement of accounts indicating receipt of money and the pendency of the application seeking shares. Accordingly, the company petition was admitted.

4.In the absence of any contra material to dispute the same coupled with the fact that the finding has been rendered based upon the records maintained by the appellant itself, we do not find any error in the order passed by the learned single Judge. Accordingly, O.S.A.No.251 of 2012 stands dismissed.

5.Insofar as the other appeal in O.S.A.No.252 of 2012 filed against C.P.No.236 of 2010 is concerned, the appellant has disputed the liability. The said company petition was also admitted on the ground that there is no denial of liability of the predecessor. Since the other company petition filed in C.P.No.230 of 2010 against the very same company has already been admitted and the same is also confirmed by us in O.S.A.No.251 of 2012, the appeal in O.S.A.No.252 of 2012 is also dismissed.

6.In the result, both the appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS iv)

//True Copy//

Sub Assistant Registrar

mmi

To

The Sub Assistant Registrar,
Original Side, High Court, Madras.

+1cc to M/s.Sai Bharath & Ilan , Advocate SR.No. 5783

+1cc to Ms.S.Sridevi , Advocate SR.No. 5764

O.S.A.Nos.251 and 252 of 2012

A.SK(15/02/2019)

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