

**C.M.P.No.6433 of 2019
in O.S.A.Nos.248 and 249 of 2018**

**M.M.SUNDRESH,J.
And
KRISHNAN RAMASAMY,J.**

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

Seeking modification of the order dated 18.01.2019 made in O.S.A.Nos.248 and 249 of 2018, the present petition has been filed.

2.Learned counsel appearing for the petitioner made two submissions. One is with respect to the mistake in the nomenclature and the other is with respect to the so-called statement made that the senior counsel does not have any instructions. We are not inclined to go into the same now since a memo has been filed by the respondents which is recorded hereunder:

1.That during the pendency of the above appeals, the learned Division Bench had suggested respondents 1 to 3 herein to identify if there was any possibility of changing the corporate name of the 1st respondent and in response thereto, the respondents herein vide a memo dated 18.01.2019 suggested the following names as alternatives:

a.DWARAKA THIRUMALAIVASA MILK PRODUCTS
PRIVATE LIMITED and

b.THIRUPATHI THIRUMALAIVASA MILK PRODUCTS
PRIVATE LIMITED

2.Pursuant to the said memo, this Hon'ble Court vide its order dated 18.01.2019 directed respondents 1 to 3 herein to effect change of corporate name of 1st respondent as an interim arrangement until the disposal of the suit and report the same within a period of 8 weeks from the date of receipt of the order. Subsequently, certified copy of the order was received by us on 18.02.2019 and thereupon, the 1st respondent filed necessary application for change of corporate name with the Registrar of Companies along with copy of the order of this Hon'ble Court.

3.It is submitted that the above new names suggested by respondents 1 to 3 were not approved by the Registrar of Companies and therefore as an interim arrangement till the disposal of the suit, the 1st respondent herein has decided to completely remove reference to the word THIRUMALAIVASA from their corporate name and have applied for a completely different name i.e. SRIRANGAM MILK PRODUCTS PRIVATE LIMITED. The said application was filed before the Registrar of Companies on 21.02.2019. Application filed before the

Registrar of Companies, Chennai seeking change of corporate name is filed herewith as Annexure A. The said application is still in process and fresh Certificate of Incorporation with the amended name is expected to be issued shortly.

The Hon'ble Court may be pleased to take on record this turn of events and pass appropriate orders as it deems fit and proper and thereby render justice.

3. In view of the same, the miscellaneous petition stands disposed of. The respondents are given further eight weeks time from the date of receipt of a copy of this order to effect change of corporate name of the first respondent. Needless to state that at the time of final hearing, the consensus said to have been recorded by us shall not be put against the petitioner.

(M.M.S.J.) (K.R.J.)

23.04.2019

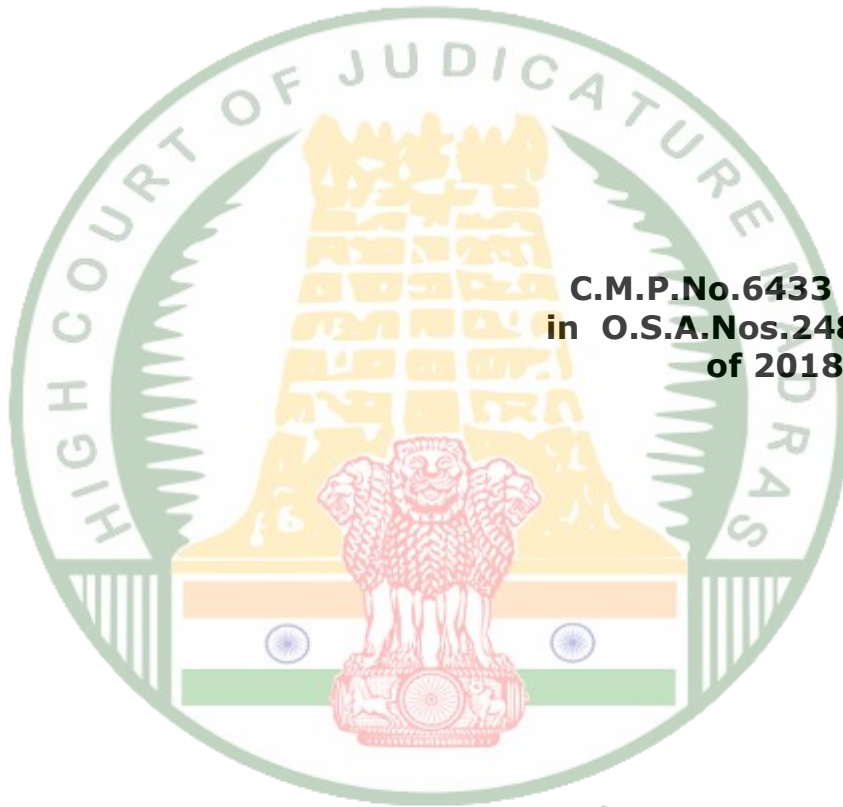
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