

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.6.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.M.P.No.3165 of 2016

in

W.A.SR No.5245 of 2016

and

W.A.SR No.5245 of 2016

M.Manickam

... Petitioner/Appellant

Versus

1. I.Pour GKC & RKC & Sons,
Registered Partnership Firm,
rep. by Ramakrishnan Ipour,
Managing Partner,
No.254, Lal Bahadur Shastri Street,
Puducherry 605 001.
2. Hindustan Petroleum Corporation
Limited (HPCL)
a Public Limited Company
through the General Manager (South)
having their Registered Office at
No.8, No.1, Thalamuthu Natarajan Building,
4th Floor, Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. The Senior Regional Manager,
Hindustan Petroleum Corporation Ltd.,
having their Regional Office at
No.90, Second Floor MDSR Enclave,
Bharathidasan Road, Cantonment,
Trichy 620 001. ... Respondents/Respondents

Prayer: Petition filed under Section 151 CPC seeking leave to prefer Writ Appeal in W.A.SR No.5245 of 2016 against the order dated 30.10.2015 in W.P.No.9064 of 2015.

Writ Appeal filed under Clause 15 of Letters Patent against the order of this court dated 30.10.2015 in W.P.No.9064 of 2015.

Prayer in W.P.No.9064 of 2015:

writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus Calling for the records of the 2nd respondent pertaining to the impugned order dated 12th January corrected as 12th February 2015 bearing Ref. No. TRO/TV/RET and quash the same and consequently direct the respondents to regularize the reconstitution of the petitioners Firm as requested by the petitioners reply dated 19.3.2015.

For appellant : Mr.D.Bharath Chakravarthy
for Sai Bharath & Ilan

For R1 : Mr.M.Vaikunth
For RR2 & 3 : Mr.O.R.Santhanakrishnan

JUDGMENT

(Judgment of the court was made by Dr.VINEET KOTHARI, J.)

The present Appeal has been filed by M.Manickam alongwith a Miscellaneous Petition seeking leave to file the Appeal against the order passed by the learned Single Judge dated 30.10.2015 disposing of W.P.No.9064 of 2015 (Ipour GKC & RKC & Sons v. Hindustan Petroleum Corporation Ltd. (HPCL) and another) by which the learned Single Judge directed the Respondent-HPCL to consider the application for reconstitution forthwith.

2. Learned counsel for the Respondent-Firm has submitted that in pursuance of the direction of the learned Single Judge, the Respondent-Firm has already passed an order as against which, a Writ Petition in W.P.No.15060 of 2019 has been filed wherein the present Applicant M.Manickam has also filed an Application seeking some direction, which is still pending.

3. Therefore, in our view, the present writ appeal filed by M.Manickam alongwith an application seeking leave to file the Appeal has been rendered infructuous and the parties can raise all their contentions before the learned Single Judge in the

Writ Petition in W.P.No.15060 of 2019, which is still pending. Accordingly, the Miscellaneous Petition seeking leave is closed. Consequently, the Writ Appeal at SR stage is rejected.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk.
To

1. Hindustan Petroleum Corporation Limited (HPCL)
a Public Limited Company
through the General Manager (South)
having their Registered Office at
No.8, No.1, Thalamuthu Natarajan Building,
4th Floor, Gandhi Irwin Road,
Egmore, Chennai 600 008.
2. The Senior Regional Manager,
Hindustan Petroleum Corporation Ltd.,
having their Regional Office at
No.90, Second Floor MDSR Enclave,
Bharathidasan Road, Cantonment,
Trichy 620 001.

+1cc to M/s.O.R.Santhanakrishnan, Advocate Sr.48298

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C.M.P.No.3165 of 2016 in
W.A.SR No.5245 of 2016 and
W.A.SR No.5245 of 2016

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srg 22/07/2019