

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 22ND DAY OF JULY 2019

THE HON'BLE MRS. JUSTICE PUSHPA SATHYANARAYANA

A.Nos. 959 and 960 of 2017

IN

A.No.784 of 2014

A.No.784 of 2014

In the matter of Section 9 of
Arbitration and Conciliation Act,
1996

and

In the matter of Agreement dated
01.04.2012 and

In the matter of dispute between
R.Gopalakrishnan and
G.Mahalakshmi and Chennai
Collections Textiles Pvt. Ltd.,

1.R.Gopalakrishnan
S/o.Ramasamy

2.G.Mahalakshmi
W/o.R.Gopalakrishnan

Both are residing at
No.219, 5th Street
Janaki Nagar,
Valasaravakkam,
Chennai - 600 087.

..Applicants

-Versus-

1.M/s.Chennai Collections Textiles Private Ltd.,
Rep. by its Managing Director,
R.T.Chandrasekar
No.47,4th Street, Chowdry Nagar,
Valasaravakkam,
Chennai-600 087.

2.Mrs.Rilji
W/o.R.T.Chandrasekar,
No.47, 4th Street,
Chowdry Nagar,
Valasaravakkam,
Chennai 600 087.

3.Mr.Manojkumar P.V.
S/o.Kunhianandhan Nair,
Ananthalakshmi House,
Kothanmangalam,
Koilandi (Post)
Calicut,
Kerala-673 305.

4.Abdul Sathar,
New Chennai Collections,
(Chennai Collections)
No.17/32AA, East Road,
Kothanmangalam,
Koilandi (Post),
Calicut, Kerala State.

..Respondents

A.Nos.959 & 960 of 2017:

1. Edavana Fasal Razi
S/o. Khalid
Nochad Amsom, Velliyur Desom,
Nochad (Po)
Koyilandy Taluk,
Kozhikode Dt., Kerala

2. Koyiloth Hamsa
S/o. Abdulla
Thurayur Amsom Desom,
Payyoli Angadi (Po),
Koyilandy Taluk,
Kozhikode Dt., Kerala

3. Ambayappurath Thriveniyil Ranjith,
S/o.Chandran,
Nanmanda Amsom Desom,
Nanmanda (Po),
Kozhikode Taluk,
Kozhikode Dt., Kerala

4. Kodakkal Muhammad Koya,
S/o.Ammooty Haji,
Nochad Amsom Velliyur Desom,
Nochad (Po),
Koyilandy Taluk,
Kozhikode Dt., Kerala

5. Thazhe Checkkilott Muhammad @ Pilathottathil Muhammad,
S/o.Mohideen
Dilruba Manzil Perambra Amsom Desom,
Perambra (Po),
Koyilandy Taluk, Kozhikode Dt., Kerala

6. Parambath Nazir,
S/o. Kunhieth
Chenoli Amsom, Valur Desom, Kayyanna Bazar (Po),
Koyilandy Taluk, Kozhikode Dt., Kerala

All Applicant 1 to 6 Rep.by their Power Agent,
Rafeek.E.T
S/o.Ibrahim, Edoth Tharammal House,
Nochad amsom, Chenoli Desom, Perambra,
Koyilandy Taluk, Chenoli (Po),
Kozhikode Dt.,
Kerala-673 525.

..Applicants/Proposed Respondents
in both applications

1.R.Gopalakrishnan,
S/o.Ramasamy

2.G.Mahalakshmi,
W/o.R.Gopalakrishnan
Both residing at
No.219, 5th Street, Janaki Nagar,
Valasaravakkam,
Chennai -600 087

..Respondents 1&2/Applicants
in both applications

3. M/s.Chennai Collections Textiles Pvt.Ltd.
Rep.by its Managing Director,
R.T.Chandrasekar,
No.47, 4th Street, Chowdry Nagar,
Valasaravakkam,
Chennai-600 087

4. Mrs.Rilji,
W/o.R.T.Chandrasekar,
No.47, 4th Street,
Choudhary Nagar,
Valasaravakkam,
Chennai - 600 087

5. Mr.Manojkumar, P.V.
S/o.Kunhianandhan Nair,
Ananthalakshmi House,
Kothanmangalam,
Koilandi (Post)
Calicut, Kerala State - 673 305

6. Abdul Sathar,
New Chennai Collections (Chennai Collections),
No.17/32AA, East Road,
Kothangamangalam,
Koilandi (Post),
Calicut, Kerala State.

..Respondents 3 to 6/Respondents 1 to 3
in both applications

A.No.959 of 2017

Application praying that this Hon'ble Court be pleased to implead the applicants as party respondents 5 to 10 in A.No.784 of 2014.

A.No.960 of 2017

Application praying that this Hon'ble Court be pleased to stay the auction dated 15.02.2017 of the items of properties as detailed in Schedule- (In the Petition) – B of this application and forming part of the auction notice dated 04.02.2017 in the above A.No.784 of 2017.

These applications coming on this day before this court for hearing, the court made the following order:

These Applications have been filed for impleading the applicants as party respondents 5 to 10 and for stay of the auction notice dated 15.02.2017, in respect of items No.3 and 4 in the auction sale notice published by the Court Commissioner dated 04.02.2017.

2. Application No.784 of 2014 was filed for attaching the movables

lying in the shop, namely, Chennai Collections or New Chennai

Collections, situate in East Road, Kothanmangalam, Koilandi (Post), Calicut District, Kerala. This Court had passed an order on 01.07.2016 in Application No.1904 of 2016, ordering sale of the goods lying in the aforesaid premises. As the goods lying in the premises are likely to deteriorate and/or get damaged, the Court Commissioner was appointed to de-seal the premises and ascertain as to whether any goods are inside. The order further mentions that, the auction notice will contain the usual terms including the term that they will be sold on "as is where is, and whatever basis". The order also mentions that, as and when, the goods were sold, the subject property will be de-sealed.

3. Mr.S.Sathish Rajan, learned counsel for the applicants submitted that the goods were already sold, the property was de-sealed, the same was locked and handed over to the learned District Munsif, Koilandi, Calicut, Kerala in O.S.No.145 of 2016.

4. In view of the fact that the keys were already handed over to the learned * **Sub – Court**, Koilandi, * **Kozhikode**, Kerala, it is open to the applicants to move before the said Court and take the keys by filing appropriate application.

5. In view of the above, Application No.960 of 2017 is closed and Application No.959 of 2017 is dismissed.

Sd/.P.S.N.J.
22.07.2019

(* Amended as per order dated 16.3.2021
made in A.No.421 of 2020 and A.No.784 of 2014)

Sd/.07.04.2021
ASSISTANT REGISTRAR (O.S.-II)

//Certified to be a true copy//

Dated this the day of 2021.

SU/29.07.2019 /08.04.2021

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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