

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 27TH DAY OF AUGUST 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

O.A.Nos.307 to 309 of 2021
and
A.Nos.1972 and 1973 of 2021
in
C.S.No.190 of 2021

Mr.Balavignesh S,
S/o. Mr.Subramani P,
No.5, 3rd Cross Street, Ramesh Nagar,
Tambaram West,
Chennai 600 045.

... Applicant/Plaintiff

-Versus-

1. Mr.Seshasayee R,
S/o.Mr.Raghavachari,
Quantas Trinity Apartments,
#18, 2E 2nd Floor, West Road,
West CIT Nagar, Chennai 600 035.

2. Mr.Boopathy N.R.
S/o.Mr.Ramachandran,
123/66, Kavya Towers,
Velachery Road, Little Mount,
West Saidapet,
Chennai 600 015.

3. Mr.Gopi Krishna S,
S/o. Mr.Balaram,
A3, Damayathi Apartments,
No.17, South Mada Street,
Nungambakkam, Chennai 600 034.

4. Mrs.Chithra Seshasayee,
W/o.Mr.Seshayee R,

Quantas Trinity Apartments,
#18, 2E, 2nd Floor, West Road,
West CIT Nagar,
Chennai 600 035.

: Respondents/Defendants

O.A.No.307 of 2021

Original Application praying that this Hon'ble Court be pleased to pass an order of Interim Injunction restraining the Respondents, its men, agents, servants and any person claiming through them from carrying on the business in the name of, and for / on behalf of MODOMINES, having address at 123/66, Kavya Towers, Velachery Road, Little Mount, West Saidapet, Chennai 600 015 to the exclusion of the Applicant, pending disposal of the suit.

O.A.No.308 of 2021

Original Application praying that this Hon'ble Court be pleased to pass an order of Interim Injunction restraining the Respondents, their men, agents, servants and any person claiming through them from copying, selling, offering for sale in any manner by soliciting orders from customers and otherwise dealing with the Enterprise Resource Planning (ERP) software developed by the Applicant, pending disposal of the suit.

O.A.No.309 of 2021

Original Application praying that this Hon'ble Court be pleased to pass an order of Interim Injunction restraining the Respondents, its men, agents, servants and any person claiming through them from opening ANY bank account in the name of the Firm, MODOMINES and operating ANY

bank account of the Firm, MODOMINES more particularly the account of the Firm, MODOMINES held with ICICI Bank having Account No.278005000665 at 13/5B, Jaganathapuram, Velachery Branch, Chennai 600 042, morefully mentioned in the schedule to the Judges summons pending disposal of the suit.

A.No.1972 of 2021:-

Application praying that this Hon'ble Court be pleased to appoint a Receiver to take charge of the management and affairs of the Firm, MODOMINES and to audit the accounts of Firm, MODOMINES from 19.01.2018 till date of suit and decree and to direct the assets of the Firm, MODOMINES to be valued and realised etc; and to wind up the affairs of the Firm, MODOMINES in accordance with law pending disposal of the suit.

A.No.1973 of 2021:-

Application praying that this Hon'ble Court be pleased to appoint an Advocate Commissioner to enter the premises of the Firm, MODOMINES having address at 123/66, Kavya Towers, Velachery Road, Little Mount, West Saidapet, Chennai-600 015, along with the Applicant to access the computer and other accessories, CD's Floppy Disks/Pen Drive containing source code of the Enterprise Resource Planning (ERP) software, developed by the Applicant and to take possession of the same and to

submit a report thereon within a time stipulated by this Court, pending disposal of the suit.

These applications coming on this day before this court for hearing in the presence of Mrs.Revathi Manivannan, Advocate for the applicant in all the Applications and Mr.P.S.Prabu, Advocate for the respondents in all the Applications, and upon reading the order herein dated 30.07.2021, **the court made the following order:-**

The Advocate Receiver as per the terms of the warrant had engaged Software audit and Forensic financial audit and had obtained the reports from him. The copy of the report filed today.

2. From going through the interim report of the Advocate Receiver dated 28.07.2021 and examination of the audit reports indicates that the affairs of the company has been substantially streamlined by the Advocate Receiver and the revenue of the company has increased.

3. Furthermore, as represented by the learned counsel for the plaintiff, service of the Advocate Receiver is required for some more period, so that the dispute between the plaintiff and the defendants can be adjudicated before this Court without disturbing the function of the company. Hence the Advocate Receiver is requested to continue his administration as per the orders of this Court dated 29.06.2021.

4. The additional remuneration of Rs.1,00,000/- shall be paid to

the Advocate Receiver on or before 03.09.2021 as per the terms of the earlier order.

5. The copy of the Software audit and Forensic financial audit reports shall be served to the learned counsels represented the plaintiff and the defendant. For objection if any, Call the matter on 16.09.2021.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
27th DAY OF AUGUST 2021.

Sd./-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SK
01.09.2021

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ORDER :-

DATED: 27.08.2021

THE HON'BLE DR.JUSTICE
G.JAYACHANDRAN

FOR APPROVAL: 02.09.2021

APPROVED ON: 02.09.2021

Copy to:-

Mr.S.Swaminathan,
Advocate and Notary Public,
Advocate Receiver,
B-03-G Jains Westminister,
Arunachalam Road, Saligramam,
Chennai-600 093,
Mobile No.7418811007;
e-mail address:spanlawyers@gmail.com

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Sd./-(G.J.J.,)

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