



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 18.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DURAIWAMY, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

O.S.A.(CAD).NO.112 OF 2021
AND
C.M.P.NO.18538 OF 2021

M/s.Quality Roller Flour Mills Private Ltd.,
Rep. by its Managing Director - A
Ganesh Rajah,
having Office at No.558,
Anna Salai, Teynampet,
Chennai - 600 018.

... Appellant

.Vs.

1. R.Gopalakrishnan
2. G.Nithya
3. M/s.Balarama Krishna Flour Mills,
Rep. by its Partner A.Ganesh Rajah
4. A.Ganesh Rajah
5. Vijita Jagadeesh

... Respondents

PRAYER:-

Original Side Appeal filed under Section 13 of the
Commercial Courts Act against the order and decretal order
dated 27.08.2021 made in A.No.436 of 2021 in C.S.No.46 of 2021.

For Appellant : Mr.P.B.Balaji

For Respondents : Mr.K.S.Ganesh Babu
(R1 & R2)
R3 to R5 - given up



J U D G M E N T

(Judgment was delivered by M.DURAISWAMY, ACJ.)

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Heard Mr.P.B.Balaji, learned counsel appearing for the appellant and Mr.K.S.Ganesh Babu, learned counsel appearing for the respondents 1 & 2.

2. Mr.P.B.Balaji, learned counsel appearing for the appellant submitted that the appellant has no intention to alienate the property sought to be attached in Application No.436 of 2021 in C.S.No.46 of 2021 till the disposal of the suit.

3. The learned counsel for the appellant further submitted that the appellant is giving up the respondents 3 to 5 in the appeal.

4. Mr.K.S.Ganesh Babu, learned counsel appearing for the respondents 1 & 2 submitted that since the appellant has no intention to alienate the property till the disposal of the suit, the said submission may be recorded and the present appeal may be disposed of.

5. In view of the submissions made by the learned counsel on either side, since the learned counsel for the appellant has stated that the appellant has no intention to alienate the property, recording the said submission, the order impugned in the above Original Side Appeal is modified to the effect that the appellant shall not alienate the property till the disposal of the suit in C.S.No.46 of 2021.

6. For the reasons stated above, the Original Side Appeal is disposed of with the above modification. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

va



To

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

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+1cc to Mr.P.B.Ramanujam, Advocate, S.R.No.59245

O.S.A. (CAD) .NO.112 OF 2021 AND
C.M.P.NO.18538 OF 2021

MG (CO)
PBS/26/11/2021