IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.01.2021
CORAM :

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN
and
THE HON'BLE MR. JUSTICE P.D.AUDIKESAVALU

O.S.A. Nos. 42 and 55 of 2017
and
C.M.P. Nos. 4591, 5962 and 7480 of 2017

O.S.A. No. 42 of 2017:-

Saravana Engineering
10th Floor, Block-1, Beliciaa Towers
Door No.71/1, MRC Nagar Main Road
R.A. Puram, Chennai - 600 028. ... Appellant

Vs.

1. BMIC Limited
Ebenes Skies of 4th Floor
Rue De L'Institut
Ebene Mauritius.

2. Chinnakannan Sivasankaran
Son of R.Chinnakannan @ R.C.K.Vallal
Insolvent
Represented by Official Receiver and Manager
Mr. Bernard Pool
C/o. Pool & Pat, Chartered Accountants
Maison La Rosiere, PO Box 117
Victoria Mahe, Seychelles.

3. Siva Limited
In Liquidation
Represented by its Liquidators
KPMG, Bermuda.

4. R.Chinnakannan @ RCK Vallal
Mena Kampala Arcade, 3rd Floor
A Block B Wing, 113-114
Sri Theyagaraya Road, T.Nagar, Chennai - 17.

5. Chinnakannan Chandrammal
W/o. R.Chinnakannan
Mena Kampala Arcade
3rd Floor, A Block, B Wing
113-114, Sir Theyagaraya Road
T.Nagar, Chennai - 600 017.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

6. S.Jayalakshmi
D/o. Damodaran
No.30, Giri Road, T.Nagar
Chennai - 600 017.

7. K.V.P.Baskaran
2/19, Vidyodaya 1st Cross Street
T.Nagar, Chennai - 600 017.

8. Ms. Nityavathi Venkatesan
No. W617, Anna Nagar, West Extension
Chennai - 600 101.

9. Srinivasa Enterprises
10th Floor, Block - 1
Beliciaa Towers
Door No.71/1, MRC Nagar Main Road
R.A.Puram, Chennai - 600 028.

10. Siva Compulink Limited
10th Floor, Block - 1, Beliciaa Towers
Door No.71/1, MRC Nagar Main Road
R.A.Puram, Chennai - 600 028.

11. Sterling Computers Limited
Mena Kampala Arcade, 3rd Floor
A Block, B Wing
113-114, Sir Theyagaraya Road
T.Nagar, Chennai - 600 017.

12. Sterling Futures & Holidays Limited
10th Floor, Block-1, Beliciaa Towers
Door No.71/1, MRC Nagar Main Road
R.A.Puram, Chennai - 600 028.

13. Senthil Products Agencies Limited
10th Floor, Block-1, Beliciaa Towers
Door No.71/1, MRC Nagar Main Road
R.A.Puram, Chennai - 600 028.

14. Siva Industries & Holdings Limited
10th Floor, Block-1, Beliciaa Towers
Door No.71/1, MRC Nagar Main Road
R.A.Puram, Chennai - 600 028.

15. Hi Tech Housing Projects Private Limited
10th Floor, Block-1, Beliciaa Towers
Door No.71/1, MRC Nagar Main Road
R.A.Puram, Chennai - 600 028.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

16. Chennai Properties and Investments Limited
Mena Kampala Arcade, 3rd Floor
A Block, B Wing
113-114, Sir Theyagaraya Road
T.Nagar, Chennai - 600 017.

17. Hemangini Finance and Leasing Pvt. Ltd.
Mena Kampala Arcade, 3rd Floor
A Block, B Wing
113-114, Sir Theyagaraya Road
T.Nagar, Chennai - 600 017.

18. Tata Teleservices Ltd.
10th Floor, Tower-1, Jeevan Bharathi
124, Connaught Circus
New Delhi - 110 001. ..Respondents

Prayer : Original Side Appeal filed under Order XXXVI Rule 9 of the Original Side Rules read with Clause XV of the Letters Patent praying to set aside the fair order and decreetal dated 12.12.2016 passed in Appln. No. 473 of 2016 in E.P. No. 62 of 2016 as illegal, incompetent, irregular and without jurisdiction holding that the execution petition against the appellant is legally inconceivable.

For Appellant : Mr. V.Raghavachari
for Mr. A.Shamsudeen Raja

For Respondents : Mr. Karthik Seshadri
For M/s. Iyer & Thomas (For R1)
Mr. A.Shamsudeen Raja (For R4, R5 & R7)
Mr. Vikram Ramakrishnan (For R8)
Mr. P.Suresh (For R10 to R13)
Mr. H.Prosper (For R14 to R17)
Mr. Shivakumar (For R18)

O.S.A. No. 55 of 2017:-

1. R.Chinnakannan @ RCK Vallal
Mena Kampala Arcade, 3rd Floor
A Block B Wing, 113-114
Sri Theyagaraya Road, T.Nagar
Chennai - 17.

2. Chinnakannan Chandrammal
W/o. R.Chinnakannan
MenaKampala Arcade
3rd Floor, A Block, B Wing
113-114, Sir Theyagaraya Road
T.Nagar, Chennai - 600 017.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

3. K.V.P.Baskaran
   2/19, Vidyodaya 1st Cross Street
   T.Nagar, Chennai - 600 017. ... Appellants

Vs.

1. BMIC Limited
   Ebenes Skies of 4th Floor
   Rue De L'Institut
   Ebene Mautitius.

2. Chinnakannan Sivasankaran
   Son of R.Chinnakannan @ R.C.K.Vallal
   Insolvent
   Represented by Official Receiver and Manager
   Mr. Bernard Pool
   C/o. Pool & Pat, Chartered Accountants
   Maison La Rosiere, PO Box 117
   Victoria Mahe, Seychelles.

3. Siva Limited
   In Liquidation
   Represented by its Liquidators
   KPMG, Bermuda.

4. S.Jayalakshmi
   Mena Kampala Arcade, 3rd Floor
   A Block, B Wing
   113-114, Sir Theyagaraya Road
   T.Nagar, Chennai - 600 017.

5. Ms. Nityavathi Venkatesan
   No. W617, Anna Nagar, West Extension
   Chennai - 600 101.

6. Srinivasa Enterprises
   10th Floor, Block - 1
   Beliciaa Towers
   Door No.71/1, MRC Nagar Main Road
   R.A.Puram, Chennai - 600 028.

7. Siva Compulink Limited
   10th Floor, Block - 1, Beliciaa Towers
   Door No.71/1, MRC Nagar Main Road
   R.A.Puram, Chennai - 600 028.

8. Sterling Computers Limited
   Mena Kampala Arcade, 3rd Floor
   A Block, B Wing
   113-114, Sir Theyagaraya Road
   T.Nagar, Chennai - 600 017.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

9. Sterling Futures & Holidays Limited
10th Floor, Block-1, Beliciaa Towers
Door No.71/1, MRC Nagar Main Road
R.A.Puram, Chennai - 600 028.

10. Saravana Engineering
10th Floor, Block-1, Beliciaa Towers
Door No.71/1, MRC Nagar Main Road
R.A.Puram, Chennai - 600 028.

11. Senthil Products Agencies Limited
10th Floor, Block-1, Beliciaa Towers
Door No.71/1, MRC Nagar Main Road
R.A.Puram, Chennai - 600 028.

12. Siva Industries & Holdings Limited
10th Floor, Block-1, Beliciaa Towers
Door No.71/1, MRC Nagar Main Road
R.A.Puram, Chennai - 600 028.

13. Hi Tech Housing Projects Private Limited
10th Floor, Block-1, Beliciaa Towers
Door No.71/1, MRC Nagar Main Road
R.A.Puram, Chennai - 600 028.

14. Chennai Properties and Investments Limited
Mena Kampala Arcade, 3rd Floor
A Block, B Wing
113-114, Sir Theyagaraya Road
T.Nagar, Chennai - 600 017.

15. Hemangini Finance and Leasing Pvt. Ltd.
Mena Kampala Arcade, 3rd Floor
A Block, B Wing
113-114, Sir Theyagaraya Road
T.Nagar, Chennai - 600 017.

16. Tata Teleservices Ltd.
10th Floor, Tower-1, Jeevan Bharathi
124, Connaught Circus
New Delhi - 110 001. ... Respondents

WEB COPY

Prayer : Original Side Appeal filed under Order XXXVI Rule 9 of the Original Side Rules read with Clause XV of the Letters Patent praying to set aside the fair order and decreetal dated 12.12.2016 passed in Appln. No. 473 of 2016 in E.P. No. 62 of 2016 as illegal, incompetent, irregular and without jurisdiction holding that the execution petition against the appellant is legally inconceivable.

https://hcservices.ecourts.gov.in/hcservices/

For Appellant : Mr. V.Raghavachari
For Mr. A.Shamsudeen Raja

For Respondents : Mr. Karthik Seshadri
For M/s. Iyer & Thomas (For R1)
Mr. Vikram Ramakrishnan (For R5)
Mr. P.Suresh (For R7 to R9 & R11)
Mr. A.Shamsudeen Raja (For R10)
Mr. H.Prosper (For R12 to R15)
Mr. Shivakumar (For R16)

COMMON JUDGMENT

[Judgment of the Court was made by N.KIRUBAKARAN, J.,]

When these matters are called today, Learned Counsel for the Appellants seeks permission of this Court to withdraw these Appeals and he has also sent a memo through e-mail dated 25.01.2021 to that effect, which is recorded.

2.In view of the representation made and memo filed, these Original Side Appeals are dismissed as withdrawn. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Sub Assistant Registrar,
Original Side,
High Court of Madras, Chennai -104.

AKM/24.2.21 /6P-2C/

O.S.A. Nos. 42 and 55 of 2017
Dated : 25.01.2021

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/