



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.NO.701 OF 2015

K.Santhi

... Appellant

.Vs.

1. The District Registrar (Admin),
Registrar of Firms,
Office of the District Registrar,
Salem (East).

2. N.Selvam

3. S.Parimalam

... Respondents

PRAYER:-

Writ Appeal filed under clause 15 of the Letters Patent Act against the order dated 12.03.2015 made in W.P.No.6959 of 2015.

PRAYER IN W.P.NO.6959 OF 2015:-

Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the 1st Respondent in No.4433/Aa1/2012, dated 10.07.2013 and quash the same, consequently direct the 1st Respondent to complete the enquiry in the above proceedings so as to cancel the registration of the fraudulent Retirement Deed and initiate Penal action against the 2nd and 3rd Respondents.

For Appellant : Mr.A.Thiyagarajan
Senior Counsel
For Mr.S.Ramesh Kumar

For Respondents : Mr.Karthik Jaganathan
Additional Government Pleader
For R1

M/s.R.Nalliyappan for R2 & R3



JUDGMENT

[Judgment of this Court was delivered by T.RAJA, J.]

WEB COPY

This writ appeal has been directed against the impugned order dated 12.03.2015 passed in W.P.No.6959 of 2015.

2. When the matter is taken up for hearing, learned senior counsel appearing for the appellant submitted that when respondents 2 and 3 have filed an Original Suit in O.S. No.741 of 2010 before the learned District Munsif, Salem seeking for declaration to declare that plaintiffs 2 and 3 alone are the partners and first defendant is not a partner in the first plaintiff's partnership firm and seeking a direction to the second defendant to release and pay all the work bills, cheques etc. in favour of the first plaintiff's firm name and deliver the cheques etc. to plaintiffs 2 and 3 in respect of all the civil construction work done by the plaintiffs to the second defendant and other relief, the present appeal cannot be taken up until the pending suit is disposed of.

3. We also find merits on the submission made by the learned senior counsel appearing for the appellant. When respondents 2 and 3 have already filed the above Original Suit in O.S. No.741 of 2010 before the learned District Munsif, Salem for the aforementioned relief, this Court cannot go into the merits of the appeal to proceed further.

4. Since the suit is pending for more than a decade, the learned District Munsif, Salem is hereby directed to dispose of the same, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

5. Accordingly, this writ appeal stands disposed of. No costs. Liberty is given to the first respondent to dealt with the issue, after the disposal of the pending suit.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vga



To

1. The District Registrar (Admin),
Registrar of Firms,
Office of the District Registrar,
Salem (East).

2. The District Munsif,
Salem.

+1cc to Mr.S.Ramesh Kumar, Advocate, S.R.No.18681

W.A.NO.701 OF 2015

BP (CO)
PBS/08/04/2022