



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

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THE HONOURABLE **MR.JUSTICE KRISHNAN RAMASAMY**

C.S.No.268 of 2020
& O.A.No.485 of 2020
& A.No.2373 of 2020

Arti Meenakshi Muthiah

... Plaintiff

Vs.

1.MCTM Global Investments Private Limited,
Represented through Mrs.Kamala Muthiah,
Managing Director,
Chennai - 600 002.

2.Kamala Muthiah

3.Nandini Muthiah

4.Gomathy Subramanian

5.M/s.M C Ranganathan & Co

A firm of chartered accountants

Represented through the Partner, Ms.Mathangi

... Defendants

PRAYER : Civil Suit filed under Or.1 R.1 of OS Rules r/w S.26 and Or.VII R.1 of Civil Procedure Code, 1908, praying for a Judgment and decree:

(a) Declaration that the Financial Statements for the year 2013-14, approved by the Board of Directors at their



meeting held on 18th July 2020 and filed with the Registrar of Companies, Chennai on 04.09.2020 along with Forms 23AC, 23B and ADT-1 and other attachments as non-est, illegal, invalid and void;

(b) Declaration that the Annual General Meeting for financial year 2013-14, convened on 18.08.2020 pursuant to the notice dated 18.07.2020 is not in accordance with law and hence non-est, illegal and void;

(c) Consequently grant an order of mandatory injunction directing the Board of Directors of the First Defendant to recast the financial statements for the financial year 2013-14 so as to reflect the true and fair view of the state of affairs of the First Defendant company;

(d) Consequently grant an order of mandatory injunction directing the First Defendant Company to convene a fresh Annual General Meeting for the financial year 2013-14 for adoption of recasted Financial Statements which is prepared by the First Defendant Company pursuant to Prayer(c).

(e) Declaration that the Fifth Defendant has failed to discharge the duties as a statutory Auditor in accordance with the accounting standards as prescribed under the provisions of the Companies Act, 2013 in the auditing the Financial Statements for the Financial Year 2013-14;

(f) Consequently grant an order of mandatory injunction



directing the statutory auditor of the First Defendant to audit such recasted Financial Statements for Financial Year 2013-14 as approved by the Board of Directors in accordance with law;

(g) Award costs of the suit; and

(h) Pass such further or other order as this Hon'ble Court may deem fit and proper and thus, render justice.

For Plaintiffs	: Mr.T.K.Bhaskar
For D1 and D2	: Mr.R.Thiagarajan
For D3 and D4	: M/s.Abitha Banu
For D5	: No appearance

JUDGMENT

When the matter is taken up for hearing, the learned counsel for the plaintiff submitted that the issue involved in the matter came to be settled amicably and the same was recorded before the Hon'ble Supreme Court in C.A.No.3198 of 2020 and the said order of the Hon'ble Supreme Court dated 29.04.2022 is also produced before this Court. Further, a copy of the Memorandum of Settlement dated 26.03.2022 entered into between the parties has also been produced before this Court.



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2.The order of the Hon'ble Supreme Court passed in C.A.No.3198 of 2022 and the Memorandum of Settlement entered into between the parties is taken on record.

3.In view of the above, the suit is decreed in terms of the Memorandum of Settlement entered into between the parties. No costs. Consequently the connected Applications are closed. The order passed by the Hon'ble Supreme Court in C.A.No.3198 of 2020 and the Memorandum of Settlement entered into between the parties shall form part of the decree. The Registry is directed to return the eligible Court fee, in accordance with law, to the plaintiff.

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Index : yes / no

Internet : yes / no

Speaking / non speaking



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KRISHNAN RAMASAMY, J.
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