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C.S.No.1093 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

C.S.No.1093 of 2009

1. C. Kanakasabapathy,

2. Vatsala Kanakasabapathy,

3. K. Manivannan

...Plaintiffs

.Vs.

1.M/s. EROS THEATRE-Santha

Sundara Mahal a Partnership concern
rep. by its partners, at No.79, Lattice Bridge Road,
Chennai.

2.Shantha Sundaram,

3. S. Sivakumar

4. S. Ravikumar

5. Latha,

6.M/s. Sicagen India Ltd.

Rep. by its Senior General Manager,
(Administration and Personnel)
formerly known as M/s. South India
Corporation (Agencies) Ltd.,
at 36-40, Armenian Street, Chennai - 600 001.

... Defendants

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**Prayer:**

Plaint filed under Order VII Rule 1 of the CPC, 1908 read with Order IV Rule 1 of the Original Side, 1957 praying for a judgment and decree as follows:-

a) Declaration that the 1st defendant partnership firm of M/s.EROS THEATRE- Santha Sundara Mahal constituted under the Deed of Partnership dated 29.03.1983 has been dissolved on and from 23.08.2009 and /or from such other date as may be fixed by this Hon'ble Court.

b) directing the defendants 1 to 4 to render an account of the income, profits and receipts of the 1st defendant partnership business and its assets and liabilities on and from 29.03.1993 or from such other date till such date as may be fixed by this Hon'ble Court while passing a preliminary decree for dissolution of partnership.

c) Directing the partition by metes and bounds and for recovery of possession of the 2nd plaintiff's undivided half share by in the A-Schedule mentioned property.

d) If for any reason the relief of partition as prayed for in prayer (c) above is not granted, alternatively for passing a decree for partition by



metes and bounds of the A schedule mentioned property and other assets of the 1st defendant dissolved firm on taking accounts of the dissolved firm and for allotment of the plaintiffs 3/7th share or such other share in the A-Schedule mentioned property as may be decided by this Hon'ble Court.

e) Granting a decree for permanent injunction restraining the 6th defendant lessee, their men, agents, servants and representatives from making or paying or delivering the rent cheque and/or any amount payable by them in respect of the schedule mentioned property to the defendants 2 to 5 and/or to any of them herein but to deposit the monthly rent and other payments payable under the lease arrangement in respect of the A Schedule mentioned property to the credit of the above suit to be distributed or disbursed among the plaintiffs and to the defendants 2 to 5 according to law on taking of accounts of the dissolved 1st defendant firm.

f) Granting a permanent injunction restraining the defendants 2 to 5 or any of them, their men, agents, and representatives from in any manner dealing with or alienating the assets and properties of the 1st



defendant partnership by sale or otherwise and/or commit any acts of waste or damage to the schedule mentioned properties.

g) To appoint a Receiver to take charge of the assets, accounts books and record of the 1st defendant partnership business kept at the business place of the 1st defendant and/or at 929, Poonammallee High Road, Chennai at the residence of the defendants 2 to 4 and / or at the business place of the said defendants at Madhavaram High Road or at any other place as may be disclosed by the defendants 1 to 4 and to collect, realize or receive the rental income payable by the 6th defendant/lessee for their occupation of the A Schedule mentioned property with such directions for maintaining and managing the business of the partnership till the process of dissolution of the partnership is completed.

h) Directing the defendants to pay the plaintiffs the costs of this suit and i) Granting the plaintiffs such other relief or reliefs.

For Plaintiffs	: M/s. S. Madhini Devi (For PL. Annamalai)
For Defendants	: Mr. C. Uma Shankar for D3&D4, : No Appearance for DD2, 5,6& 7



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J U D G M E N T

When the matter came up today for hearing, the learned counsel for the plaintiffs submitted that the suit before the Arbitrator has already been disposed of. Hence, nothing survives in the suit for further adjudication and accordingly she makes an endorsement in the plaint to that effect.

2. In view of the submissions and endorsement made by the learned counsel for the plaintiffs in the plaint, the suit shall stand disposed of. No costs.

01.08.2023**Note: The Court Fee shall be refunded as per Original side Rules.**

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Index : No

Internet : Yes

Speaking order



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