



C.S.No.1122 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 14.07.2023

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.S.No. 1122 of 2009

&

A.Nos. 541 to 546 of 2017

1. R.Kanagavel

2. R.Mahesh Kumar

3. K.M.Metal Containers Private Limited

Represented by its Director

R.Mahesh Kumar

71, Muthusamy Street,

Virudhunagar – 626 001.

... plaintiffs

Vs.

1. Thangam Metal Cans Private Limited

Represented by its Director

L.Balaji

17 & 26, Thiruvottriyur High Road,

New Washermenpet,

Chennai – 600 081.



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2. R.Lenin

3. R.Srinivasan

4. L.Balaji

5. L.Saravanan

6. M.Venkatesh Kumar

7. M.Rajesh Kumar

8. S.Krishna Kumar

9. L.Desigamani

10. Athitya Kumar (Minor)

Represented by his father L.Balaji, 4th defendant

11. B.Ramkumar

... defendants

Prayer: Plaintiff filed under Order VI Rule 1 of the Original Side Rules read with Order VII Rule 1 of the CPC; for a Decree of Declaration that Plaintiffs 1 and 2 did not cease to be Directors and Shareholders holding 27.5% and 27,500 Number of shares in the First Defendant and also entitled to the subsequent allotment of shares if any in the First Defendant Company and they continue to have all the rights as entitled in the Firm Constituted under the Partnership Deed dated 01.04.2001 entered into between Plaintiffs and Defendants 1 to 8 and



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as confirmed, provided, taken over, and vested in the First Defendant as per the Memorandum and Articles of Association of the First Defendant; For a Decree of Mandatory Injunction directing the Defendants herein or anyone of them to alter / correct all the Records of the 1st Defendant and to take all the steps as prescribed by Law to restore and reflect that the Plaintiffs 1 and 2 are Directors of the First Defendant holding 27.5% and 27,500 number of shares in the said First Defendant; For a Decree of Permanent Injunction restraining Defendants 1 to 5, 9 and 10 from preventing and obstructing Plaintiffs 1 and 2 from functioning as Directors and Share holders of the 1st Defendant; Alternatively, in the place of the Prayers (a) and (b) (i) & (ii) above for a Declaration that the Firm constituted under the Deed of Partnership dated 01.04.2001 between Plaintiffs 1 and 2 and defendants 2 to 8 stood dissolved as on 04.12.2006 and direct an Account be taken of the assets of the said Firm, now taken over, vested and possessed by the First Defendant and to ascertain the amount due to the Plaintiffs 1 and 2 and direct the payment of the same by Defendants 1 to 5, 9 to 10 and For a Decree for a sum of Rs.1,82,03,978/- together future interest at 12% per annum on the sum of Rs.1,82,03,978/- till date of payment against Defendants 1 to 5, 9 and 10.



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P.T. ASHA. J,

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