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CMA.No.3743 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

CORAM

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

C.M.A.No.3743 of 2019

1.Artez Fabs Pvt. Limited
506, Gambhir Indl.Estate,
Goregaon, Mumbai – 400 063.

2.Kashyap Pran Gambhir
D 1002, Vikas Park,
Marve Road Link Road,
Mith Chowk Malad West,
Mumbai Sub Urban
Mumbai 400 064.

3.Deepika Gambhir

...Appellants

Vs

M/s.Kotak Mahindra Bank Ltd.,
5th Floor, Samson Towers,
402 L, Pantheon Road,
Egmore, Chennai 600 008.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the Order in I.A.No.1 of 2019 in KBBCW191/2019 dated 05.09.2019 passed by the Sole Arbitrator.

For Appellant : Mr.S.Kavin
for Mr.B.Aravind Srevatsa
For Respondents : Mr.S.Sathya Gandhi
for Mr.S.Rajeni Ramadass



CMA.No.3743 of 2019

WEB COPY

J U D G M E N T

This Civil Miscellaneous Appeal is filed to set aside the Order in I.A.No.1 of 2019 in KBBCW191/2019 dated 05.09.2019 passed by the Sole Arbitrator.

2. Heard both sides.

3. The learned counsel appearing for the appellants has submitted that the prayer sought for in the appeal has become infructuous. He further submitted that a memo filed on behalf of the first appellant in which paragraph No.3 reads as follows:

“It is humbly submitted that the Hon'ble National Company Law Tribunal, Mumbai has been pleased to pass an Order of Liquidation dated 06.10.2022 in IA/588/2022 in the above CP/IB/1098/MB/2020 and has been pleased to initiate Liquidation proceedings under the provisions of the Insolvency and Bankruptcy Code, 2016. A copy of the Order dated 06.10.2022 passed in IA/588/2022 in the above CP/IB/1098/MB/2020 is enclosed herewith as Annexure-1 and the same be kindly read as part hereof.”



CMA.No.3743 of 2019

WEB COPY

4. The said memo is recorded.

5. In view of the submission of the learned counsel for the appellants and the said memo, this Civil Miscellaneous Appeal is dismissed as infructuous. No costs.

23.01.2023

Index : Yes/No

Internet : Yes/No

gv

To

1. M/s.Kotak Mahindra Bank Ltd.,
5th Floor, Samson Towers,
402 L, Pantheon Road,
Egmore,
Chennai 600 008.

2.The Section Officer,
VR Section,
High Court, Madras.

3/5



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CMA.No.3743 of 2019

A.A.NAKKIRAN., J.

gv

C.M.A.No.3743 of 2019



WEB COPY



CMA.No.3743 of 2019

23.01.2023