

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-12-2024

CORAM

**THE HONOURABLE DR JUSTICE G. JAYACHANDRAN**

**O.A No.211 of 2023**

in

**C.S.No.6 of 2020**

MR.B.RAKESH BOHARA  
VILLA 10/18, STREET 22B, AL SFA 1, JUMEIRA,  
DUBAI, U.A.E.

APPLICANT(S)

Vs

B.RAMESHCHAND AND 10 OTHERS  
N.NO.23, N.NO.45, CHENGALVARAYAN  
STREET, TRIPLICANE, CH-5 AND 10 OTHERS

RESPONDENT(S)

**For Applicant(s):**

M/S. ARUN KARTHIK MOHAN  
SUHRITH PARTHASARATHY

**For Respondent(s):**

M/S.S.MUTHUKUMAR (964/93)  
S.USHA RANI (160/16)  
S.MYTHLI (3154/22)  
FOR R11 - D.NO.11903/2023 FILED ON  
17.04.2023  
NO.109, LC, HCB, CH-104 (PH: 9840087650)  
M/S.M.R.GOKUL KRISHNAN(531/2007)  
K.SANKAR VIGNESH(1816/2016)  
S.GOPINATH(7703/2022)  
T.A. MOHAMMED SALIHU(5782/2022)  
FOR D9- D.NO.16349 /23 FILED ON  
13.6.2023  
FOR D10- D.NO. 16348/23 FILED ON  
13.6.2023  
(III FLOOR, YMCA BUILDINGS, 223, N.S.C.  
BOSE ROAD, CHENNAI-019962549483)

ORDER

The learned counsel appearing for the plaintiff and the 1<sup>st</sup> and 2<sup>nd</sup> respondents states that the mediation process is under way and seeks two months time for the Mediator's report.

2. The learned counsel appearing for the respondents 3 and 4 states that as far as these respondents are concerned, there is no claim and their rights has already been ascertained and settled.

3. The learned counsel for the 11<sup>th</sup> respondent states that the purchaser from 1<sup>st</sup> and 2<sup>nd</sup> respondents has filed a memo stating that the fees fixed by the Mediator is on higher side, since he was appointed by the High Court, the mediation must be free of costs.

4. The learned counsel appearing for the plaintiff as well as the 1<sup>st</sup> and 2<sup>nd</sup> respondents submits the dispute is between the plaintiff and the respondents 1 and 2. Therefore, they are ready to share the expenses and fees of the Mediator among themselves and will not ask the 11<sup>th</sup> respondent to share the expenses of Mediation.

5. The counsel for the plaintiff and the defendants 1 and 2 has made an endorsement in the memo filed by the 11<sup>th</sup> defendant expressing that they undertake to bear the mediation fees equally.

6. It is open to the Mediator to fix the fees which is agreed to be shared by the plaintiff and the defendants/respondents 1 and 2.

7. In the light of the above fact, the apprehension expressed by the 11<sup>th</sup> defendant and the endorsement made by the counsel, there is no impediment for the 11<sup>th</sup> defendant to participate in the mediation process.

8. Post the matter after two months or soon after the receipt of the Mediator's report.

13.12.2024

Vv

To

1. B.RAMESHCHAND AND 10 OTHERS  
N.NO.23, N.NO.45, CHENGALVARAYAN  
STREET, TRIPLICANE, CH-5

2. R.USHA

N.NO.45, CHENGALVARAYAN STREET, TRIPLICANE, CH-5

3. B.VIJAYRAJ

NO.51, 1ST MAIN RD. NEW COLONY, CHROME PET, CH-44

4. V.SAROJA

NO.51, 1ST MAIN RD. NEW COLONY, CHROME PET, CH-44

5. KANTHA LAXMAN SANCHETI

NO.25, KOLADI RD. DEVI NAGAR, THIRUVERKADU, CH-77

6. PRABHA MAMMAL JAIN

7B, IIND BLOCK, 123, BRICKLIN RD. PURASAWALKAM, CH-7

7. PRADEEP STAINLESS INDIA PVT.LTD.

C-D, PHASE-II, 3RD MAIN RD. MEPZ-SPECIAL ECONOMIC ZONE, TAMBARAM, CH-45

8. GAJRABAI BHAWARLAL BOHARA

W/O.LATE BHAWARLAL BOHARA RESIDING AT NO.51 1ST MAIN ROAD, NEW COLONY, CHROMPET, CHENNAI 600 044.

9. MR. DEEPAK RAMESHCHAND

S/O R.RAMESHCHAND

OLD NO.23, NEW NO.45, CHENGALVARAYAN STREET, TRIPLICANE, CHENNAI 05.

10. MR.DARSHAN RAMESHCHAND

S/O B.RAMESHCHAND,

OLD NO.23, NEW NO.45, CHENGALVARAYAN STREET, TRIPLICANE, CHENNAI - 600 005.

11. MR.M.SAMPATHRAJ JAIN

OLD D.NO.30, NEW D.NO.24,

JAMBULINGAM STREET, NUNGAMBAKKAM, CHENNAI - 600 034.

O.A.211of 2023

**Dr.G.JAYACHANDRAN.J**

Vv

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