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C.R.P.No.2299 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2299 of 2024

V.R.A.R.Ramakrishnan [Deceased]

Usha Ramakrishnan

... Petitioner

Vs.

1.R.Rathnaswamy Prabhu

2.Jayanthi Ravikumar

3.M/s.The Rathna Textile Mills Private Limited,
Having its registered office at
No.119, Wheelers Road, Cox Town,
Bangalore – 560 005.

4.Vasantha Kokilam

5.R.Angappa Murali

6.R.Senniappa Sridhar

7.R.Vidyadhar

8.Senni Girija



C.R.P.No.2299 of 2024

9.M/s.TCS Textiles Pvt. Ltd.m

Rep. By its Managing Director Mr.T.K.Chandran
Having its Office at No.68-A, College Road,
Tiruppur Town, Coimbatore District.

10.M/s.Gajaananda Jewellery Maart
Private Limited,

Rep. By its Director Mr.T.K.Chandran,
Having its registered Office at No.133,
New Market Street, Tirupur – 641 604.

... Respondents

[cause title accepted vide order dated
05.06.2024 made in CMP.No.10052 of 2024]

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to pass an order to expedite the trial in O.S.No.580 of 2023 pending on the file of the learned III Additional District Judge, Coimbatore and dispose it off expeditiously within a time frame fixed by this Court.

For Petitioner : Mr.D.Ferdinand

ORDER

The petitioner, legal heir of the original plaintiff Mr.V.R.A.R.Ramakrishnan filed this civil revision petition to pass an order expediting the trial and dispose the suit in O.S.No.580 of 2023 on the file of the III Additional District Court, Coimbatore within a time frame fixed by this Court.



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2.Since the prayer sought for by the petitioner is to the limited extent, notice to the respondents is dispensed with.

3.The contention of the learned counsel for the petitioner is that originally the suit was filed in the year 2008 as O.S.No.708 of 2008 before the District Court, Coimbatore, it was thereafter transferred to Sub Court, Tiruppur on the point of jurisdiction and re-numbered as O.S.No.748 of 2010, again it got transferred to Sub Court, Coimbatore which was taken as O.S.No.738 of 2016 and later on the point of pecuniary jurisdiction, the suit is now transferred and pending as O.S.No.580 of 2023 on the file of the III Additional District Court, Coimbatore. A property of 9.34 acres was purchased in the name of 'The Rathna Textile Mills and Private Limited', in which, Mr.V.R.A.R.Ramakrishnan and his brother T.S.Rathnasabapathy having 50% shares each. On the demise of T.S.Rathnasabapathy, the defendants 1 to 5 in the suit stepped in as his legal heirs. Earlier to it, forged proceedings of the Board of Directors recorded as through Board meeting held on 18.03.1996 and thereby allotted 620 shares in favour of the legal heirs of Rathnasabapathy, who are respondents 4 to 8 and 400 shares held



by V.R.A.R.Ramakrishnan again to be apportioned to the family members of Rathnasabapathy. In this process, the petitioner's family were eased out of the Company which is by way of a forged resolution. Challenging the same, the petitioner filed C.P.No.8 of 2008 before the National Company Law Tribunal [NCLT], Bangalore which was later re-numbered as T.P.No.10 of 2016. The NCLT by order dated 11.10.2018 held that when the Company property is only an immovable property in question, it cannot be disposed of unilaterally by family members of Late Shri T.S.Ratnasabapathy by increasing share capital, allotting increased share capital between themselves and removing the petitioners illegally, etc. All these actions not only constitute acts of oppression against the petitioner by mismanaging the affairs of the Company but also against the principles of natural justice and thereby setting aside the proceedings of the Board of Directors held on 18.03.1996 and the subsequent declarations in Form No.32 filed by the respondents on 01.12.2005 and also apportioning of shares. Since the above suit is pending in O.S.No.708 of 2008 challenging the sale deed dated 14.11.2005, the same was left for the Civil Court to pass appropriate orders. Against the judgment of NCLT, an appeal was filed before the Appellate Tribunal by the respondents in T.A.No.81 of 2021. The Appellate Tribunal



by order dated 01.06.2023 dismissed the appeal and confirmed the order of the NCLT. Against which, they also filed an appeal in Civil appeal No.5290 of 2023 before the Apex Court. The Apex Court finding no reason to interfere with the impugned judgment of NCLT dismissed the appeal by order dated 06.09.2023.

4.The learned counsel for the petitioner submitted that Mr.V.R.A.R.Ramakrishnan though could succeed in NCLT and in Apex Court finally, his fate was otherwise, he passed away on 17.01.2024. Thereafter, the present petitioner stepped in. In view of the same, I.A.No.,1 of 2024 filed to direct the LRs, I.A.No.2 of 2022 to get them impleaded and I.A.No.3 of 2022 to substitute the 6th defendant which has merged with the 10th respondent herein and to bring them on record. He further submitted that in view of the fact that the Board resolution dated 18.03.1996 and allotment of additional shares being set aside by the Apex Court, nothing to be seriously adjudicated in the present suit. He further submitted that the petitioner herein is aged about 72 years , atleast during her lifetime she could see justice being done to her husband who fought the case right from the year 1996.



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5.Considering the submissions made and finding that the suit is originally filed in the year 2008 and almost 16 years passed by, this Court is incline to direct the Trial Court to dispose of the interim applications within a period of one month from the date of receipt of a copy of this order and to complete the proceedings in O.S.No.580 of 2023 within a period of three months thereafter.

6.With the above directions, the Civil Revision Petition stands disposed of. No costs.

27.06.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse

To

The III Additional District Judge,
Coimbatore.



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M.NIRMAL KUMAR, J.

cse

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