



CMP.No.15598 of 2022

in

S.A.No.404 of 2007

G.ARUL MURUGAN, J.

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This petition is filed to amend the cause title in S.A.No.404 of 2007 as petitioner's company namely as Keventer Capital Limited, represented by its Authorised Signatory Adarsh Jalan, having registered office at No.34/1, DH Road, Kolkata – 700 027 herein as 3rd appellant in the place of 3rd and 4th appellants.

2. Originally the suit in OS.No.12676 of 1996 has been filed on the file of XVIII Assistant Judge, City Civil Court, Chennai, by four plaintiffs namely (1) R.K.Jalan (2) Deccan Properties Pvt.Ltd., Rep. By its Director, R.K.Jalan, (3) Madras Leasing Private Limited, Deccan Properties Pvt.Ltd., Rep. By its Director, R.K.Jalan and (4) Madras Industrial Casting Private Limited, Deccan Properties Pvt.Ltd., Rep. By its Director, R.K.Jalan. The said suit was filed for specific performance as against Sowbagyawathi Mehta and 6 others who are respondents in this petition and the defendants in the above main appeal. The suit was decreed on 12.07.2004 against which the respondents filed A.S.No.41 of 2005 on the file of Additional District Judge, Fast Track Court No.II, Chennai. The Lower Appellate Court by judgment and decree dated 24.11.2006 allowed the appeal setting aside the judgment and decree of the



trial court. Aggrieved by the same, the plaintiffs in the suit filed the above second appeal before this Court.

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3. Pending second appeal, the third and fourth appellants in the appeal namely Madras Leasing Company Private Limited and Madras Industrial Castings Private Limited have been merged with Keventer Agro Limited, pursuant to the order passed by this Court dated 28.01.2015 in Comp.Petn.Nos.216 and 217 of 2014. Thereafter, Keventer Agro Limited was demerged into Keventer Captial Limited by an order dated 27.02.2019 made in CP(CAA).No.1562/KB/2018 and CA(CAA) No.615/KB/2018 passed by National Company Law Tribunal, Kolkata Bench.

4. In view of the orders passed by this Court in Company Petition Nos.216 and 217 of 2014 dated 28.01.2015 and the order passed by the National Company Law Tribunal, Kolkata Bench, by order dated 27.02.2019, by demerging Keventer Agro Limited into Keventer Capital Limited, the 3rd and 4th appellants in the appeal namely Madras Leasing Company Limited and Madras Industrial Castings Private Limited got merged with Keventer Agro Limited which was later demerged with Keventer Captial Limited. Now, the 3rd and 4th appellants have been taken over by Keventer Capital Limited and as



such, the petitioner herein has to be suitably amended in the cause title and the petitioner namely Keventer Capital Limited has to be substituted as 3rd appellant in the place of 3rd and 4th appellants namely Madras Leasing Company Private Limited and Madras Industrial Castings Private Limited.

5. The respondents have filed the counter affidavit stating that they were not aware of the same and the petition was not sustainable.

6. Perused the affidavit in support of the petition and heard the learned counsel on either side.

7. Admittedly, the four plaintiffs have filed the suit in OS.No.12676 of 1996 for specific performance against the respondents in the appeal which was decreed and pursuant to the appeal filed by the respondents, the same was allowed and the specific performance decree was set aside. Challenging the judgment and decree of the Lower Appellate Court, the plaintiffs have filed the above second appeal. During the pendency of the second appeal, this Court in C.P.Nos.216 and 217 of 2014 by order dated 28.01.2015, the 3rd and 4th appellants namely Madras Leasing Company Private Limited and Madras Industrial Castings Private Limited got merged with Keventer Agro Limited.



Thereafter, Keventer Agro Limited was demerged with Keventer Capital Limited in CP (CAA) No.1562/KB/2018 and CP (CAA) No.615/KB/2018 by order dated 27.02.2019 passed by the National company Tribunal, Kolkata Bench. Hence, the 3rd and 4th appellants in the appeal have been merged with Keventer Agro Limited and later demerged with Keventer Capital Limited. Therefore, in the interest of justice, the petitioners herein have to be substituted and cause title has to be amended by substituting the name of the 3rd appellant as Keventer Capital Limited in the place of 3rd and 4th appellants namely Madras Leasing Company Private Limited and Madras Industrial Castings Private Limited.

8. Under such circumstances, this CMP.No.15598 of 2022 is ordered accordingly. Registry is directed to carry out the necessary amendments in the cause title.

9. Post the matter on 06.03.2024.

05.02.2024
(1/2)

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