



Com.Apel.Nos.2 & 3 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Com.Apel.Nos. 2 & 3 of 2017

Com.Apel.No.2 of 2017:-

1. Mrs.Padmini Appa Rao

2. Balakrishnan

3. Vaishnav

... Appellants

Vs.

1. Kannan Sugars Private Limited,
Kannan Talkies Building (Now
Balakrishnan Thirumana Mandapam Building)
No.4/New No.132, Ennaikara Street,
Kanchipuram,
Tamil Nadu (As per incorporation)

2. P.S.Venkatachalam

3. Champalakshmi Venkatachalam

4. C.M.Rathinasabapathy

5. C.M.Ramesh

6. P.N.Srinivasan

7. P.N.Subbaiyan

... Respondents



Com.Apel.Nos.2 & 3 of 2017

Prayer: Company Appeal filed under Section 10-F of Companies Act, 1956 ,
praying to prefer this Company Appeal against the order dated 17.06.2015 in
C.P.No.22 of 2009 passed by the Company Law Board, Chennai.

For Appellants : M/s.Arya Raj
for M/s.R.Shase

For R1, R5 & R6 : Mr.V.Anantha Natarajan
For R3 : Mr.V.R.Kamalanathan

Com.Apel.No.3 of 2017:-

1. Mrs.Padmini Appa Rao

2. Balakrishnan

3. Vaishnav

... Appellants

Vs.

1. Kannan Sugars Private Limited,
Kannan Talkies Building (Now
Balakrishnan Thirumana Mandapam Building)
No.4/New No.132, Ennaikara Street,
Kanchipuram,
Tamil Nadu (As per incorporation)

2. Champalakshmi Venkatachalam

3. C.M.Rathinasabapathy

4. C.M.Ramesh

5. P.N.Srinivasan

6. P.N.Subbaiyan

... Respondents



Com.Apel.Nos.2 & 3 of 2017

Prayer: Company Appeal filed under Section 10-F of Companies Act, 1956, praying to prefer this Company Appeal against the order dated 17.06.2015 in C.P.No.86 of 2013 passed by the Company Law Board, Chennai.

For Appellants	: M/s.Arya Raj for M/s.R.Shase
For R1 & R5	: Mr.V.Anantha Natarajan
For R3	: Mr.V.R.Kamalanathan

COMMON ORDER

These Company Appeals have been filed under Section 10-F of the Companies Act, 1956 challenging the order passed by the Company Law Board, Chennai on 17.06.2015 in C.P.No.22 of 2009 and C.P.No.86 of 2013. Both the Company Petitions were dismissed on the ground that Mr.Appa Rao died.

2. Since no legal heir certificate was produced by the wife and children of the said petitioner in C.P.No.22 of 2009 and C.P.No.86 of 2013 late Mr.Appa Rao, who are the appellant before this Court, has erred in dismissing both the Company Petitions vide Impugned Orders.



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3. Dismissal of C.P.No.22 of 2009 and C.P.No.86 of 2013 was both unwarranted and unjustified. Therefore, the impugned order passed by the Company Law Board, Chennai is liable to be set aside with liberty to the appellant herein to produce necessary legal heirs certificate from the concerned Tahsildar.

4. I see therefore no impediment in allowing this appeal by restoring the respective Company Petitions to the file of the National Company Law Tribunal which has now assumed the jurisdiction which was earlier exercised by the Company Law Board under Section 397 and 398 of the Companies Act, 1956.

5. Accordingly, the respective appeals are restored. The appellants are directed to file legal heir certificate and make necessary corrections in the respective Company Petitions before the National Company Law Tribunal.



Com.Apel.Nos.2 & 3 of 2017

6. The National Company Law Tribunal shall endeavour to issue notices to the respective parties and list this case for hearing and dispose the case as expeditiously possible preferably within a period of six (6) months from the date of receipt of a copy of this order.

7. These Company Appeals stands allowed with the above observations.

23.02.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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Com.Apel.Nos.2 & 3 of 2017

C.SARAVANAN, J.

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Com.Apel.Nos. 2 & 3 of 2017

23.02.2024