



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

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Friday, the Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs. Justice J.NISHA BANU

C.M.P.(MD). Nos.2250, 2251 and 2252 of 2024
and

C.M.P.(MD). Nos.255, 257 and 258 of 2024
in

C.R.P.(MD). Nos.1799, 1798 and 1797 of 2019

C.M.P.(MD). No.2250 of 2024

S.Vaikundarajan

... Petitioner/1st Respondent

Vs

1 VVM Education Trust,
Through its Managing Trustee
S.Jegatheesan
S/o.(Late) A.S.V.Subbiah Nadar,

2 S.Jegatheesan

3 J.Muthurajan

4 J.Chenthilrajan

5 J.Subburajan

...Respondents 1 to 5 / Petitioners 1 to 5

6 V.Chandra Boopathy

7 V.Subramanian

8 V.Velmurugan

9 Karthiyayini

10 V.Subasaranya

... Respondents 6 to 10 /
Respondents 2 to 6

C.M.P.(MD). Nos.2251 and 2252 of 2024

S.Vaikundarajan

... Petitioner/1st Respondent

Vs

1 S.Jegatheesan

2 J. Renuka

<https://www.mhctn.gov.in/judis>

3 J.Muthurajan

4 J.Chenthilrajan



- 5 J.Subburajan
- 6 V.Chandra Boopathy
- 7 V.Subramanian
- 8 V.Velmurugan
- 9 Karthiyayini
- 10 V.Subasaranya

...Respondents 1 to 5 / Petitioners 1 to 5

... Respondents 6 to 10 / Respondents 2 to 6

Prayer in C.M.P.(MD). Nos.2250, 2251 and 2252 of 2024 :-

These petitions are filed under Section 151 of C.P.C., to Clarify the Order dated 08.04.2021 in C.R.P(MD) Nos.1797 to 1799 of 2019, as to whether the Honourable Receiver appointed therein.

C.M.P.(MD). Nos.255 and 257 of 2024

- 1 S.Jegatheesan
- 2 J. Renuka
- 3 J.Muthurajan
- 4 J.Chenthilrajan
- 5 J.Subburajan

... Petitioners / Petitioners

Vs

- 1 S.Vaikundarajan
- 2 V.Chandra Boopathy
- 3 V.Subramanian
- 4 V.Velmurugan
- 5 Karthiyayini
- 6 V.Subasaranya

... Respondents / Respondents

C.M.P.(MD). No.258 of 2024

- 1 VVM Education Trust,
Through its Managing Trustee
S.Jegatheesan
S/o.(Late) A.S.V.Subbiah Nadar,
- 2 S.Jegatheesan
- 3 J.Muthurajan
- 4 J.Chenthilrajan
- 5 J.Subburajan

... Petitioners / Petitioners

Vs

- 1 S.Vaikundarajan
- 2 V.Chandra Boopathy
- 3 V.Subramanian
- 4 V.Velmurugan



5 Karthiyayini

6 V.Subasaranya

... Respondents / Respondents

Prayer in C.M.P.(MD). Nos.255, 257 and 258 of 2024 :-

These petitions are filed under Section 151 of C.P.C., to discharge the Receiver appointed under order dated 08.04.2021 passed in C.R.P.(MD). Nos.1797, 1798 and 1799 of 2019 and leave the parties to work out their remedies in accordance with the decision of the pending proceedings in O.S. No. 72 of 2022 and E.P. Nos. 61, 62 & 63 of 2019 respectively, before the Learned Principal District Judge, Tirunelveli and thus render justice.

Prayer in C.R.P.(MD). Nos.1799, 1798 and 1797 of 2019

These Petitions are filed under Article 227 of the Constitution of India, to strike off the proceedings in E.P. Nos. 61,62 and 63 of 2019 in A.C.P. No.1 of 2019 on the file of the learned Principal District Court, Tirunelveli.

ORDER:- These Petitions are coming on for orders on Thursday, the Twenty Second day of February Two Thousand and Twenty Four and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr..Murali Kumaran, Sr. Counsel for Mr. K. Aravintha Bharathi, Advocate for the Petitioner and Respondents 6 to 10 in C.M.P.(MD). Nos.2250, 2251 and 2252 of 2024 and for the Respondents in C.M.P.(MD). Nos.255, 257 and 258 of 2024 and of Mr. V. Prakash, Sr. Counsel for Mr. R. Anand, Advocate for the petitioners in C.M.P.(MD). Nos.255, 257 and 258 of 2024 and Respondents 1 to 5 in C.M.P.(MD). Nos.2250, 2251 and 2252 of 2024; and having stood over for consideration till this date; this court made the following order:

CMP.Nos.2250, 2251 and 2252 of 2024 are filed seeking to clarify the order dated 08.04.2021 in CRP(MD).Nos.1797 to 1799 of 2019.

CMP.Nos.255, 257 and 258 of 2024 are filed to discharge the Receiver appointed under order dated 08.04.2021 passed in CRP(MD).No.1797, 1798 and 1799 of 2019 and leave the parties to work out their remedies in accordance with the decision of the pending proceedings in O.S.No.72 of 2022 and E.P.Nos.61, 62, 63 of



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2. This court, by its order dated 08.04.2021 in CRP.(MD).Nos.1797 to 1799 of 2019 and the connected miscellaneous petitions, in order to protect the interest of the contesting parties on the allegations made against each other of waste, removal of machineries, alienation, creating encumbrance of the properties belonging to the other group appointed Mrs.Justice Dr.S.Vimala (Retired Judge of this Court) as Receiver to look into the overall administration of the properties found in A schedule which is in possession of the respondents and C schedule which is in possession of the petitioners.

3. The petitioners in the CRP viz., Mr.Jagadeesan group filed C.M.P.(MD) Nos.255, 257 and 258 to discharge the Receiver on the contention that it is not necessary for continuation of the Receiver and that since the petitioners in C.M.P. (MD).Nos.255, 257 and 258 of 2024, learnt that the Receiver has filed a Memo for discharge, it would be necessary to discharge the Receiver.

4. The respondents in the CRP i.e. Vaikundarajan group filed C.M.P.Nos.2250, 2251 and 2252 of 2024 for clarification of this court's order dated 08.04.2021 raising serious allegations against the other party including that of waste, encumbrance, removal of machineries etc committed, with or without the knowledge of the Receiver, in the properties that were allotted to Mr.Vaikundarajan group in the

Kaithadi partition.



5. During the arguments, the learned Senior counsels appearing for both the parties vehemently opposed each other's application. However, they concurred for giving a direction to dispose of E.P.Nos.61,62, and 63 of 2019 pending before the Principal District Judge, Tirunelveli, within a specified period.

6. Though serious allegations made in C.M.P.Nos.2250, 2251 and 2252 of 2024, were not denied by way of counter affidavit, this court does not want to go into the same as the same falls under the scope, ambit and powers of the Receiver.

7. However, since the facts and circumstances warranting the appointment of Receiver neither ceased to exist nor diminished in terms of degree, but has only escalated, Receivership has to be continued. Since, Mrs.Justice Dr.S.Vimala (Retired Judge of this court) as rightly understood by the Petitioners in CRP(MD).Nos.1797 to 1799 of 2019 has filed a memo for discharge from Receivership, this court appoints Mr.Justice N.Kirubakaran (Retired Judge of this court) as Receiver in the place of Mrs.Justice Dr.S.Vimala (Retired Judge of this court). Accordingly, the following directions are passed:-

(1) Mrs.Justice Dr.S.Vimala (Retired Judge of this Court) shall handover the administration of the properties, companies and firms collectively termed as "properties" for which she was appointed as Receiver to Mr.Justice N.Kirubakaran (Retired Judge of this Court) and Mrs.Justice Dr.S.Vimala, (Retired Judge of this court) would stand discharged from the Receivership. The Advocates viz.,



Mr.M.Sidharthan and Mr.P.Samuel Gunasingh, who assisted the Receiver also stand discharged.

(2) The Receiver shall administer the said “properties” with the help of the respective parties as per the Schedule of allotment of the Kaithadi partition deed dated 31.12.2018, till the disposal of E.P.Nos.61 to 63 of 2019, pending before the Principal District Judge, Tirunelveli.

(3) It is needless to say that the Receiver shall protect the “properties” against any waste or damage or intentional encumbrances caused. In case if the Receiver comes across any such incidences, of any of the parties having committed anything without the consent and knowledge of the Receiver, the Receiver shall initiate necessary steps as permissible in law and also restore the “properties” to the point/position prior to the date of appointment of Receiver, i.e., 08.04.2021, at the cost of the erring parties.

(4) Both the parties shall jointly pay a remuneration of Rs.7,00,000/- (Rupees Seven Lakhs only) per month to the Receiver.

(5) Any expense occurring in the process of the administration of the “properties” will be borne equally by the parties.

(6) The Receiver is at liberty to appoint necessary secretarial staff and assistants. The salary of such staff so appointed by the Receiver shall also be borne equally by the parties.



(7) The Principal District Judge, Tirunelveli, is directed to dispose of E.P.Nos.61, 62 and 63 of 2019 not later than four months from today. The parties shall cooperate for the disposal of the E.P. Till the disposal of the E.P., Mr. Justice N. Kirubakaran (Retired Judge of this court) shall continue to be the Receiver as ordered by this court and administer the property as per the above directions.

Sd/-

Assistant Registrar(CO)

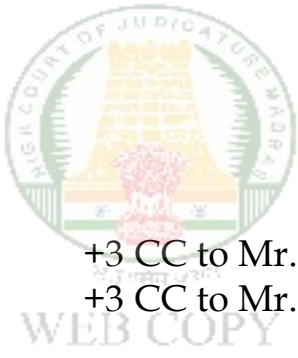
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/03/2024

Sub Assistant Registrar
(CS- I/ II / III / IV)

To

1. The Principal District Judge,
Tirunelveli.
2. The Hon'ble Dr. Justice S. Vimala,
1B 1C Choral Classic Apartments,
No. 36, Prithivi Avenue 2nd Street,
Abiramapuram, Alwarpet, Chennai . 600 0018.
3. The Hon'ble Mr. Justice N. Kirubakaran,
No.14, 13th Cross Street,
Phase - III, Wood Creek County,
Nandambakkam, Chennai - 89.
4. Mr. M. Siddharthan, Advocate
No. 3, Sreenivas Avenue, Valarnagar,
Uthangudi, Madurai -
5. Mr. P. Samuel Gunasigh, Advocate
No. 5, Meenu Enclave, T.M. Nagar,
5th Cross, Uthangudi, Madurai.



+3 CC to Mr. R. Anand, Advocate in Sr. Nos. 11226, 11227 & 11228.

+3 CC to Mr. M. Maharaja, Advocate in Sr. No. 11287.

ORDER DATED : 08/03/2024

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ORDER

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C.M.P.(MD). Nos.2250, 2251 and 2252 of 2024
and

C.M.P.(MD). Nos.255, 257 and 258 of 2024
in

C.R.P.(MD). Nos.1799, 1798 and 1797 of 2019

Giving direction and etc.

as stated within.

MGJ(20.03.2024) 8P 12C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023