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CRP(PD).No.610 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.02.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).No.610 of 2025

and

CMP.No.3442 of 2025

Mrs. D. Sangupathy

... Petitioner

Vs.

1.M/s.Light Leathers Pvt. Ltd.
rep. by its Directors,
Thiruneermalai Road,
Nagalkni, Chrompet,
Chennai - 600044.

2.M.Manickam, Director,
No.57, Ram Nagar,
Round Road, Dindigul

3.Peer Mohammed Raja Mohammed

4.Mrs. Sithick Fathima

5.Peer Mohamed Raja Mohamed

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the Fair and Decretal order dated 08.11.2024 made in I.A.No.2/2024 in COS.No.1690/2022 on the file



of the learned Additional Commercial Court, Egmore, Chennai and
allow the above CRP.

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For Petitioner : M/s.S.Ravichandran

ORDER

Challenging the order dated 08.11.2024 passed in I.A.No.2 of 2024 in COS No.1690 of 2022 by the Additional Commercial Court, Egmore Chennai, the petitioner/plaintiff has preferred the above Civil Revision Petition.

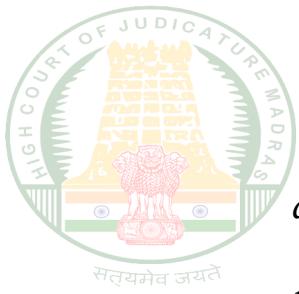
2. The facts are briefly set out hereinbelow.

3. The suit COS No.1690 of 2022 has been filed for the following reliefs:-

(i) For a judgement and decree against the defendants for a sum of Rs.25,00,000/-;

(ii) Interest at the rate of 24% p.a. on Rs.25,00,000/- from the date of suit till the date of realization in full; and

(iii) permanent injunction restraining the



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*defendants herein from alienating or encumbering
the suit property till the disposal of the suit.*

4. The 1st respondent/2nd defendant is the company and the 2nd respondent/2nd defendant is the Director of the 1st respondent/1st defendant company. The suit was originally filed before this Court and numbered as C.S.No.712 of 2022. Thereafter, the suit was transferred to the file of the Commercial Court, Chennai and renumbered as COS.No.1690 of 2022.

5. The 1st defendant had entered appearance originally and thereafter on 01.08.2024 no instruction was reported on the side of the 1st defendant. The 2nd defendant had filed his vakalat as also his written statement. In the written statement filed by the 2nd defendant it has been stated that the 2nd defendant along with one P.Subramanian and S.K.Mohammed Ali are the share holders of the 1st defendant company and the aforesaid P.Subramanian and S.K.Mohammed had on 21.05.2005 jointly sold their respective shares to one P.Rajamohammed as a result of which P.Rajamohammed became the absolute owner of the company. On 30.09.2005, the 2nd defendant,



P.Subramanian and S.K.Mohammed Ali had resigned from the Directorship of the 1st defendant company. At that time, P.Rajamohammed undertook to settle the dues payable to the plaintiff and also agreed to pay the respective share amounts to the 2nd defendant, P.Subramanian and S.K.Mohammed Ali.

6. Since the 1st respondent/defendant company is now being run by respondents 3 to 5 herein, the petitioner has come forward with the application in question to implead the respondents 3 to 5 as defendants 3 to 5 in the suit.

7. The proposed respondents have filed a counter inter alia stating that the 1st defendant is a private limited company and separate entity and the claim of the petitioner/plaintiff is only against the 1st respondent company and not against the individual directors. Therefore, the implead petition has to be dismissed.

8. The learned Additional Commercial Judge, Egmore, Chennai proceeded to dismiss the said application on the basis that the suit has been filed for recovery of money based on a sale agreement between



the plaintiff and the 1st defendant company and since the transaction of the petitioner/plaintiff is only with the 1st defendant company and not with the individual directors, the directors are therefore not necessary parties to decide the issue involved in the suit. Challenging the same, the petitioner is before this Court.

9. Heard the counsel for the petitioner and perused the records.

10. A perusal of the records would show that the transaction in question is the resolution passed by the Board of Directors of the 1st respondent/1st defendant company to sell the suit property to the plaintiff. The property in question belongs to the 1st respondent/1st defendant. Pursuant to this resolution and agreement, the petitioner/plaintiff has advanced a sum of Rs.15,00,000/- as part sale consideration and the total sale consideration that has been arrived at was a sum of Rs.3,07,65,000/- which includes the liability to the State Bank of India.

11. The petitioner/plaintiff at the time of the execution of the sale agreement was also ensured that her husband R.P.Daarmalingam



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would be made as an Additional Director of the 1st respondent company so as to enable him to settle the dues to the SBI. Therefore, the agreement is only with the 1st respondent company and it does not matter as to who are the directors as the relief is claimed only against the 1st respondent company. Therefore, the order passed by the learned Additional Commercial Court Judge, Egmore, Chennai, is very much in order and I see no reason to interfere with the same.

12. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

18.02.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Additional Commercial Court, Egmore, Chennai

P.T. ASHA. J.,

(shr)



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