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OSA (CAD) Nos.53 to 55 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

OSA (CAD) Nos.53 to 55 of 2023

&

C.M.P.Nos.1975 &1989 of 2025

1. Uma Kumar

2. Neeraja Lakshmi

Rep. by her Power of Attorney Uma Kumar

[Cause title accepted vide order dated  
28.04.2023 made in CMP Nos.9405,  
9411, 9413, 9409, 9412 & 9414/23]

3. Shiv Kumar

Appellants in  
all OSAs.

Vs.

1. M/s. Rainbow Foundations Limited

Rep. by its Joint Managing Director Gajraj Jain  
No.4, Thanikachalam Road  
T.Nagar, Chennai 600 017.

2. Gajraj Jain

Respondents in  
all OSAs.



OSA (CAD) Nos.53 to 55 of 2023

Prayer : Appeals under Section 13 of the Commercial Courts Act, 2015 against the common order dated 13.02.2023 made in O.A.Nos.363, 364 & 365 of 2022 in C.S.(Comm Div) No.126 of 2022.

For Appellants : Mr.Richardson Wilson

For Respondents : Mr.S.Ramesh

**JUDGMENT**

(Judgment of the Court was delivered  
by the Hon'ble Chief Justice)

The impugned order, keeping open the rights and contentions of the parties and without prejudice to each others rights and contentions, by consent, is modified as under:

“Appellants, instead of depositing the sale consideration of four flats, need to retain only one flat

- (i) without selling; or
- (ii) if sold, the sale consideration shall be deposited in the Court; and



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(iii) if not sold, may give the flat on lease and license and the compensation together with deposit, if any received, shall be deposited in Court.”

2. We have not made any comments or altered the rest of the impugned order.

3. At this stage, both counsel request that Ms.Sripadmaja, Advocate, Cell No.8939061070, A7FTH1, VGN Ferndale, Padma Street, Mogappair, Chennai 600 037 be appointed as Advocate Commissioner to record evidence in the matter.

4. We would leave that to the learned Single Judge because we are informed that there are some documents which have been denied and the admissibility of those documents is yet to be decided by the learned Single Judge.



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5. The appeals are disposed of. There shall be no order as to costs.

Consequently, all the interim applications also stand disposed of.

(K.R.SHRIRAM, CJ)

(MOHAMMED SHAFFIQ.J.)

17.02.2025

Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE  
AND  
MOHAMMED SHAFFIQ.J.

(kpl)

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