



C.R.P.No.362 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29.04.2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

C.R.P. No.362 of 2025

RA-NI Precast Private Limited,
Rep. by Liquidator,
Pathukasahasram Raghunathan Raman,
No.93, Sivan Koil South Street,
Vadapalani, Chennai - 026.

... Petitioner

Versus

1.R.R. Infraa Construction
A Partnership Firm rep. by its Partner, R. Murugaperumal,
New No.2, Old No.4C,
Vishalakshipuram, Madurai - 014.

2.Jayashree Mohan

3.P.R. Raman
(Given up to issue notice in the revision petition).

... Respondents

Civil Revision Petition filed under Article 227 of the Consitution of India, seeking to set aside the Judgment Decree dated 14.12.2022 in OS No.2 of 2022 passed by the District Munsif-cum-Judicial Magistrate, Uthiramerur.

For Petitioner : Mr. S. Ramesh

For Respondent : Mr. T. Gowthaman, Senior Advocate. (for R1)
For Mr. Kaushik N. Sharama

: No Appearance (for R2 and R3)



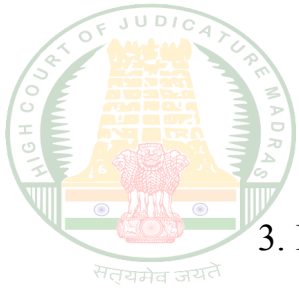
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ORDER

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This Civil Revision Petition has been filed seeking to set aside the judgment and decree dated 14.12.2022 in O.S.No.2 of 2022 passed by the learned District Munsif-cum-Judicial Magistrate, Uthiramerur.

2. The submissions as putforth by the learned counsel for the petitioner/Liquidator is that the petitioner was appointed as Insolvency Resolution Professional to deal with the dispute relevant to the company, namely, RA-NI Precast Private Limited. The Corporate Insolvency proceedings in C.P./1156/IB/2018 before the National Company Law Tribunal, Division Bench -I, Chennai (in short - NCLT). The said petition was admitted on 05.04.2019 and the moratorium contemplated under Section 14 of the IBC commenced on that date. Subsequently, on 23.12.2020, the NCLT ordered for liquidation. It is further case of the petitioner company that suppressing the fact of the proceedings before the NCLT, the first and second respondents have filed a collusive suit for injunction in respect of the properties belonging to the petitioner company and obtained a exparte decree in the individual name of the liquidator, and thereby the present civil revision petition has been filed.



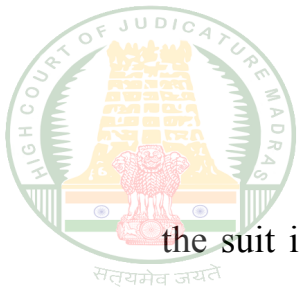
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3. Learned Senior Counsel appearing for the first respondent submits that

the Patta in respect of the property in question was in the name of the second respondent. The second respondent entered into a lease agreement on 10.06.2021 with the first respondent/plaintiff and thereby the first respondent had filed the suit for permanent injunction. Further, he would fairly concede that the petitioner had been arrayed as defendant in his name in individual capacity and not as a Liquidator.

4. Heard the learned counsel on either sides and perused the materials available on record.

5. On perusal of the records, it is seen that on 26.04.2024, the suit schedule properties have been declared as properties belonging to the petitioner company. In such circumstances, this Court finds that the plaintiff without impleading the Liquidator had obtained exparte decree behind his back, arraying him as a defendant in his individual capacity and not in his official capacity. In view of the same, the exparte order has to be set aside and the suit has to be taken on file for fresh disposal after giving due opportunity to the petitioner/Liquidator. For this purpose, this Court *Suo Motu* impleads the petitioner/Liquidator as third defendant in the suit and he is entitled to contest



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the suit in accordance with the procedures contemplated under law, including the filing of a petition seeking for rejection of the plaint. The Trial Court shall take every endeavor to dispose of the suit at the earliest. This Court directs the parties to appear before the Trial Court on **01.07.2025**.

6. With the above observations and directions, this Civil Revision Petition is allowed.

29.04.2025

Index : Yes/No

Speaking/Non-Speaking Order : Yes/No

Neutral Case Citation : Yes/No

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To:

- 1.The District Munsif-cum-Judicial Magistrate, Uthiramerur.
- 2.the National Company Law Tribunal, Division Bench -I, Chennai.
- 3.The Section Officer, V.R. Section, High Court, Madras.



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A.D. JAGADISH CHANDIRA, J.

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