



WEB COPY

AS No. 536 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

AS No. 536 of 2013

Ramlord Apparels Limited
9/10, Akurli Industrial Estate
Akurli Rd, Kandivilli East, Mumbai.

..Appellant(s)

Vs

1. M/s Gangotri Textiles Limited
Factory Unit III, SIPCOT Industrial Growth
Centre, Perundurai, Erode District,
Rep By Its Manager S. Mutukumarasamy
S/o.Subramaniam
Office at Old No.35, New No. 42,
Robertson Road, R.S Puram,
Coimbatore – 2.
2. The Official Assignee
The National Company Law Tribunal,
Chennai.
(R2 is impleaded vide order of Court dated
10.03.2025 made in CMP.NO.14767 of 2024 in
AS.No.536 of 2013)

..Respondent(s)

Prayer: Appeal suit filed under Section 96 of the Code of Civil Procedure, praying to set aside the judgment and decree dated 16.04.2013 made in O.S.No.46 of 2010 on the file of the IV Additional District and Sessions Court, Coimbatore.

For Appellant(s): Mr.T.Balaji

For Respondent(s): No appearance



JUDGMENT

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The instant appeal has been filed to set aside the judgment and decree dated 16.04.2013 made in O.S.No.46 of 2010 on the file of the IV Additional District and Sessions Court, Coimbatore.

2. Heard Mr.T.Balaji, learned counsel for the petitioner.

3. In spite of notice having been served on respondents 1 and 2 and their names also having been printed in the cause list today, there is no representation on the side of the respondents 1 and 2.

4. The status of the respondent company had been recorded as been struck off in the portal of the Ministry of Corporate Affairs. In such view of the matter, there shall be no useful purpose in adjudicating the present *lis*.

5. It has also been brought on record that the respondent company had also been subjected to liquidation proceedings and had been liquidated, wherein there had not been any claim against the appellant herein for the monies that had been granted in his favour.



6. From the facts that have been indicated, it is could only be presumed that the respondent, who had the benefit of the money decree against the appellant, had not taken any steps for recovery of dues under the decree and, as of this date, the respondent has also been struck off from the Register of the Companies and hence, the decree that had been passed against the appellant could also not be executed as the respondent is no more a juristic entity to claim the relief.

7. The Court has also queried as to whether the respondent had filed any Execution Petition, to which an answer was made in the negative, indicating that no execution proceedings had been initiated. The respondent, who had been proceeded with in the insolvency proceedings, had also not shown the appellant to be a debtor to it and no proceedings for adjudication of the debt that has also been made against the appellant.

8. In such an event, this Court is not inclined to adjudicate the *lis*, which had become deadwood, as no claims could also be made based upon the decree, which is impugned in this appeal.



9. For the aforesaid reasons, this appeal suit stands closed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The IV Additional District and Sessions Court,
Coimbatore.

2. The Official Assignee
The National Company Law Tribunal,
Chennai.

3. The Section Officer,
VR Section,
High Court, Madras.



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K.KUMARESH BABU, J.

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