

**NATIONAL COMPANY LAW TRIBUNAL  
BENGALURU BENCH  
COURT NO.1**

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,  
BENGALURU BENCH, BENGALURU, HELD ON 25.07.2019

**CAUSE LIST - 2**

PRESENT: 1. Hon'ble Member (J) Shri Rajeswara Rao Vittanala

CP/CA No.	Purpose	Sec	Name of Petitioner	Petitioner Advocate	Name of Respondent	Respondent Advocate
CP 71/15, TP 79/16	For hearing IA 358/19 - To strike off the averments made in the amended Petition	Sec 397/ 398 of CA 1956	S. Jayvikram & 3 Others	Sri K V Dhananjay, Sudharsan Suresh & others P1 to P3	Sorke Chandrasenan Hospitals (P) Ltd., & 6 Others.	J. Sagar Associates for R1 to R6.

ADVOCATE FOR PETITIONER/s:

*K V Dhananjay & Sudharsan Suresh  
Sagar Associates*

ADVOCATE FOR RESPONDENT/s:

*ANDRE PETER  
9886695823*

*RESPONDENTS*

*AP*

**ORDER**

Heard Shri Andre Peter, learned Counsel for the Applicants/Respondents and Shri K.V. Dhananjay along with Shri Sudharsan Suresh, learned Counsel for the Respondents/Petitioners in I.A. No.358 of 2019.

I.A. No.358 of 2019 in CP No.71 of 2015 (TP No.79 of 2016) is dismissed by separate order. Post the CP 'for final hearing' on 01.08.2019. I make it clear that no further adjournment shall be granted since the case is related to the year 2015.

  
**Member (J)**

Krishna

**Verified**

**Court Officer**

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
BENGALURU BENCH**

I.A. No.358 of 2019 in  
C.P. No.71 of 2015 (T.P. No.79 of 2016)  
U/R 11 of NCLT Rules, 2016

**In the matter of:**

M/s. Sorake Chandra Shekar Hospitals P. Ltd.  
Regd. Off: No.374, Upper Bendoor,  
Mangalore – 575 002.

- Applicant No.1/  
Respondent No.1

**Versus**

1. Shri S. Jayavikram  
No.15-13-716, SCS, Shivbagh,  
Opp. Canara Bank, Kadri,  
Mangalore – 575 002 and others

- Respondents/Petitioners

**Date of Order: 25<sup>th</sup> July, 2019**

**Coram:** Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)

**Parties/Counsels Present:**

For the Applicant No.1/R-1 : Shri Andre Peter

For the Respondents/Petitioners : Shri K.V. Dhananjay with  
Shri Sudharsan Suresh

**ORDER**

**Per:** Rajeswara Rao Vittanala, Member (J)

1. I.A. No.358 of 2019 in C.P. No.71 of 2015 (T.P. No.79 of 2016) is filed by M/s. Sorake Chandra Shekar Hospitals Private Limited (hereinafter referred to as 'Applicant No.1/Respondent No.1') under Rule 11 of the NCLT Rules, 2016, by inter alia seeking to strike off the averments made in Para 6.49 to 6.50 of the amended Company Petition filed by the Petitioners.



2. Brief facts of the case, as mentioned in the Company Petition, which are relevant to the instant Application, are as follows:

- (1) The Petitioners in CP have filed the above Petition under Section 235, 397, 398, 402, 403, 111A, 111 of the Companies Act, 1956 by alleging acts of oppression and mismanagement of the R-1 Company i.e. the Applicant herein. The Original Petitioners have made various allegations against the Respondents in their Petition and Rejoinder. Subsequent to the filing of CP, the Petitioners have filed I.A. No.117 of 2019 by seeking to implead Dr. Suchitra Rao as Respondent No.8 and I.A. No.118 of 2018 seeking to bring on record the legal representatives of the Respondent No.5. After hearing the applications, both are disposed of by separate orders even dated 26.03.2019.
- (2) As per the order dated 26.03.2019 in respect of I.A. No.117 of 2019, the Petitioners were permitted to implead Dr. Suchitra Rao and also suitable amend the prayer of the Petition with regard to impugned transfer of 7220 shares, effected in favour of Respondent No.2 from Dr. Suchitra Rao as per Board Meeting dated 29.12.2017. In respect of I.A. No.118 of 2019, the Petitioners were permitted to amend and implead legal heirs of Respondent No.5, within one week from the date of receipt of copy of the order.
- (3) It is alleged that stated that the Petitioners filed amended Petition belatedly on 16.04.2019. However, to the shock and surprise of the Respondents, the Petitioners have amended the pleadings as well. Admittedly, the Petitioners have not filed any application before this Hon'ble Tribunal seeking leave of this Tribunal for amended pleadings. It is a trite law that the pleadings cannot be unilaterally amended by any party without seeking leave of the Hon'ble Tribunal.



- (4) It is further stated that the Petitioners have inserted Para 6.49 at page no.65 to Para 6.50 at page no.67 without seeking permission from this Tribunal and therefore this Tribunal may be pleased to strike off the amended pleadings inserted by the Petitioners in the amended plaint in Para 6.49 at page no.65 to Para 6.50 at page no.67.
3. Heard Shri Andre Peter, learned Counsel for the Applicant No.1/R-1 and Shri K.V. Dhananjay, learned Counsel for the Respondents/Petitioners. I have carefully perused the pleadings of the parties and also the amendment made by the Respondents/Petitioners.
4. It is not in dispute that this Tribunal has permitted the Petitioners in C.P. to implead Dr. Suchitra K. Rao as Respondent No.8 and also suitable amend the prayer of Petitioner with regard to the impugned transfer of shares, etc. vide order dated 26.03.2019 passed in I.A. No.117 of 2019. Accordingly, the Petitioner has filed amended copy of Petition with adding Para 6.49 to Para 6.50 as they are related to Dr.Suchitra Rao and not about others and thus there is nothing in it. Therefore, the instant application is filed without any basis and with an intention to delay the matter further. Hence, the Application is liable to be dismissed.
5. Hence, I.A. No.358 of 2019 in C.P. No.71 of 2015 (T.P. No.79 of 2016) is hereby dismissed. Both the parties are directed to argue the main case on the next date without asking further adjournment. No order as to costs.

  
**(RAJESWARA RAO VITTANALA)**  
**MEMBER, JUDICIAL**