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NATIONAL COMPANY LAW TRIBUNAL
DIVISIONAL BENCH
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 07/03/2017 AT 10.30 AM

PRESENT: SHRI K. ANANTHA PADMANABHA SWAMY, MEMBER-JUDICIAL
SHRI Ch. MOHD SHARIEF TARIQ, MEMBER-JUDICIAL

APPLICATION NUMBER :
PETITION NUMBER : TCP/171/2016
NAME OF THE PETITIONER(S) : Mrs. Padmavathi
NAME OF THE RESPONDENT(S) : M/s Anuragha Poultries & Breeders Pvt. Ltd. & 7 others
UNDER SECTION : 397/398

S.No.	NAME (IN CAPITAL)	REPRESENTATION BY	SIGNATURE
1.	G. S. D. ANANALAKSHMI	counsel for 10 th Respondant.	G. S. D. Ananala 7/3/17
2.	P.M. VATSALA A.K. MYLSAMY & ASSOCIATES	counsel for R ₁ - R ₄ R ₉ & R ₁₁	P.M. Vatsala
3.	P.M. VATSALA rep counsel in Sublin line	counsel for R ₅ - R ₈	P.M. Vatsala
4.	V. SRINIVASAN	COUNSEL FOR PETITIONER	

ORDER

Shri. V. Srinivasan, Counsel for the petitioner present. Ms. P.M. Vatsala, proxy counsel representing A.K. Mylsamy & Associates for R1 to R4, R9 and R11 present. Ms. P.M. Vatsala, counsel for R5 to R8 present. Ms. G. S. Dhanalakshmi, counsel for the proposed R10 present. There is no representation on behalf of the proposed R12, who happens to be the Sub-Registrar, Kaniyur, Madathukulam Taluk, Tirupur District, Tamilnadu.

Heard both the parties.

The Petitioner submitted that all the four proposed respondents are necessary parties to the matter because, R9, the wife of R4, who has purchased the property of R1 Company. The proposed R10 is the Auditor, who happens to be the husband of the petitioner and the proposed R11 is the present Auditor of R1 company, who has submitted the misleading accounts. The proposed R12 is Sub-Registrar, who has registered the land without building in favour of R6 and the proposed R9. The Petitioner has already submitted proof of service on R12 with an Affidavit but in spite of that he has not caused appearance.

The counsel for R1 to R9 and R11 has opposed the Application stating that the petitioner has already filed Civil Suit wherein transactions pertaining to the land has been challenged and the proposed parties are arrayed as Respondents in the Civil Suit. Counsel for the petitioner further submitted that it is otherwise necessary that the proposed parties be brought on record because they are responsible for the mismanagement and misuse of the property of R1 company for the purpose of surcharge and making good the loss caused to the R1 company.

Counsel for the proposed R10 has submitted that in the facts and circumstances of the case, the proposed Respondents are very much necessary and proper parties to be brought on record for adjudication of all the issues involved in the Company Petition.

After hearing the Counsels for the parties and perusal of the pleadings along with the records placed on file, we feel that the proposed respondents are necessary and proper parties. Hence, we allow the CP 31/2016.

Consequently, CA 32/2016 is also allowed which is filed for making amendment in the company petition. The petitioner has already filed the amended company petition, the same is taken on record. The counsel for the respondents 9, ~~10~~ and 11 is directed to file counter to the amended company petition.

The Registry is directed to issue notice to the proposed Respondent R12, who happens to be the Sub-Registrar, Kaniyur, Madathukulam Taluk, Tirupur District, for his appearance and filing counter in the amended company petition.

Accordingly, CA 31/2016 and CA 32/2016 are disposed of.


[Ch. Md. Sharief Tariq]
Member [Judicial]


[K. Anantha Padmanabha Swamy]
Member [Judicial]