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NATIONAL COMPANY LAW TRIBUNAL
DIVISIONAL BENCH
CHENNAI


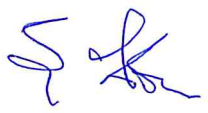
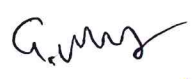

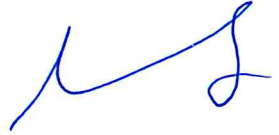
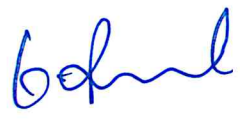
ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 17/04/2017 AT 10.30 AM

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

APPLICATION NUMBER :
PETITION NUMBER : TCP/60/2016
NAME OF THE PETITIONER(S) : S. Pathmakumar & another
NAME OF THE RESPONDENT(S) : Malabar Hotels Private Limited and 7 others
UNDER SECTION : 397/398, 111

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
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REPRESENTATION BY WHOM

1.	A. VIJAYKUMAR	ADVOCATE For Resp no: 1 and proposed resp no: 17	
2.	S. Iyer	Partitioner	
3.	K. RAMSAMY G. V. MOHAN KUMAR	Counsel for Resp no: 7	
4.	K. R. Ramesh Kumar (Atts. Shiva Kumar & for Suresh)	Counsel for Respondent No. 5	
5.	S. Aravindan (For Fox Maud & Associates)	Counsel for 2 nd , 6 th , 8 th Respondent	
6.	K. RAMESH P. M. S. Ramalingam & Associates	Counsel for 2 nd	

ORDER

Shri S Hari, counsel for petitioner present. Shri A Vijaykumar, counsel for R1 and proposed R17, Shri S Aravindan, counsel for R2, R6 & R8, Shri K Ramesh, counsel for R4, Shri K R Ramesh Kumar, counsel for R5 and Shri G V Mohan Kumar, counsel for R7 are present. The proposed R9 to R17 have been served but R17 has been represented who filed detailed counter to the CA 1/2014 and stated therein that the petitioner himself has been party to the decision pertaining to the amendment of the Articles of Association and now he cannot challenge the decision wherein he himself participated and further submitted that the allotment of the shares have taken place in accordance with law. Counsel for petitioner has also filed rejoinder in CA 2/ 2014, reiterating the contents of his application. It is on record that the shares has been transferred in favour of proposed R9 to R17 and in the circumstances the proposed respondents are necessary and proper parties in the matter. Therefore, in the interest of justice we allow CA 1/2014. Another CA has been filed wherein a prayer has been made to amend the petition. Since we have allowed the impleadment of the proposed R9 to R17, we also allow CA 2/2014 to amend the petition. So the counsel for petitioner is directed to file amended petition within two weeks. The respondents are directed to file counter to the amended petition. Respondents 9 to 16 have already been served, therefore, there is no need to issue fresh notice to them. Put up on 14.06.2017 at 10.30 A.M.


(Ch. Md. Sharief Tariq)
Member (Judicial)


(K. Anantha Padmanabha Swamy)
Member (Judicial)