

IN THE CITY CIVIL COURT AT CHENNAI

L.A No. ¹⁹⁹⁷ of 2014

O.S.No. 2679 of 2014

1. Swapna Jain
3-6-509, Street No.6,
Himayat Nagar Hyderabad – 500 020
Andhra Pradesh

...Petitioner/Plaintiff

Vs.

1. SAAG RR Infra Limited
a company registered under
the Companies Act, 1956 having
its registered office at No.51,
R.K. Mutt Road, Mylapore
Chennai – 600 004 represented by its
Managing Director R. Sriram. *Rajm*
2. Mr. Sriram Raju
Managing Director of SAAG RR Infra Limited
residing at 15, Balaji Avenue, T. Nagar.
Chennai - 600017

...Respondent/Defendants

PETITION UNDER ORDER 39 RULE 1 OF THE C.P.C

For the reasons stated in the accompanying affidavit, it is prayed that the Hon'ble Court may be pleased to pass an ad interim injunction restraining the first Respondent Company from conducting an ~~Extra Ordinary~~ ^{Extraordinary} ~~General~~ Meeting of the creditors to be held on 31.05.2014 at 11.30 a.m at South India Regional Council of Institute of Company Secretaries of India. ICSI – SIRC House, New No 9, Wheat Crofts Road, Nungambakkam, Chennai – 600 034.

COUNSEL FOR PETITIONER/PLAINTIFF

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CA. 13495114.

I.A.No. 7907/14

1917 6/11/14 26/19 30/5/2014
Applications made on 30/5/2014
Receipts called for on 30/5/2014
Receipts submitted on 30/5/2014
Add. receipts submitted on 30/5/2014
Add. receipts submitted on 30/5/2014
30/5/14
30/5/14

Mr. G. KUMAR JHABARA.

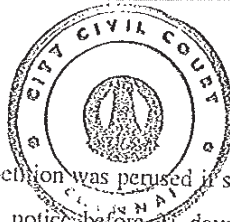


I.A.No. 7907/ 2014 in O.S.No. 2679/ 2014

Date : 29.05.2014

Heard. Document No 1 to 5 perused, The contention of the petitioner is that 1st document is loan agreement with the 1st respondent and the 2nd document is remainder letter of payment and third document is remainder letter dated 9.5.14, fourth document is the letter with regard to Extra-Ordinary general meeting dated 2.5.14 calling for the share holder, Document Number 5 is the letter with regard to Extra-Ordinary general meeting dated 2.5.14 calling for creditors, the petitioner further submit that he is creditor of the 1st respondent company and he fail return the amount after getting document N 3 and 4 wherein they decided to convene a meeting to discuss about the winding up of the company and also for appointment of liquidator as per section 500 of Companies Act they have to follow the procedure which is not followed, apart from that as per section 101 of Companies Act notice should be given not less than 21 days before wherein the 1st defendant even though dated the meeting notice has 2.5.14 but the same was purpose dispatched on 12.5.14 for the meeting going to be held on 31.5.14 and other ingredients enshrined in section 500 is not complied with and they also propose the appoint one Mr. Swaminathan as liquidator but he fails with the qualification as liquidator because he is the 1st defendant advocate aggrieved against not following the mandatory provision this petition has approached

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this court the document filed by the petitioner was perused it shows the petitioner being creditor is not given notice before 21 days without following the mandatory provision of law if the meeting is convened it is against the law. *not correct - the right of Petitioner* the documents filed by the petitioner shows that prima facie case is on the side of the petitioner and balance of convenience is also on the side of the petitioner

Hence Exparte Interim Injunction is granted restraining the respondent company from conducting meeting on 31.5.14 at 11.30 AM at Nungambakkam is granted period of two weeks till 12.6.2014. call on 12.6.14. Order 39 Rule 3A to be complied with.

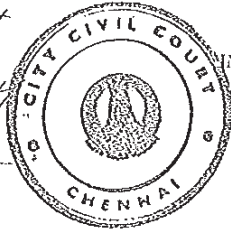
[Signature]
XIV Assistant Judge/
Vacation Judge,

CERTIFIED TO BE
A TRUE COPY
N. Jayaram
30/5/14
Superintendent of Copying
City Civil Court, Chennai

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[Signature]

No Caveat Entered

Office
Ct of Petitioner / Advt



IN THE CITY CIVIL COURT AT CHENNAI

90 7907/14

O.S.No. 2679 of 2014

Savesat Register Verified
From 28-2-14 to 28-5-14
No caveat found pending in the
office of respondent.

28/5/14

Swapna Jain

90 7907/14

SS

I.A. 7907/14

O.S. 2679/14

Ptr./PIFF. prays to
pass an ad-interim
injunction restraining
the 1st Respt./1st Deft.

Pr. 4/0 39 R1 of CPC.

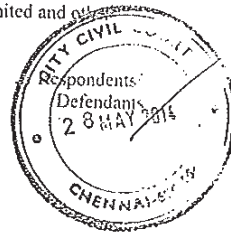
Hg. 18/7/14

29.5.14

... Petitioner
Plaintiff

Vs.

SAAG RR Infra Limited and ors



PETITION UNDER ORDER 39 RULE
1 OF THE C.P.C

26/2/1

Kumud Jhabakh
Raj Jhabakh
Counsel for the Plaintiff

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