

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 31ST DAY OF JANUARY 2014

PRESENT

THE HON'BLE MR. JUSTICE DILIP B BHOSALE

AND

THE HON'BLE MR. JUSTICE B MANOHAR

COMPA.NO.7/2013

BETWEEN

1. MR C VASANTH KUMAR
S/O LATE MR. C.P. CHIDAMBARA SETTY
2. MRS. V. SHOBHA
W/O MR. C. VASANTH KUMAR
3. MR. V. VINAY KUMAR
S/O MR. VASANTH KUMAR

ALL R/A NAMRATA
NEAR KANYA MAHAVIDYALAY
SHIVAJI NAGAR
MIRAJ 416410

... APPELLANTS

(BY SRI K G RAGHAVAN, SR. ADV., FOR NANDA KUMAR C K,
ADV.,)

AND

1. BALKRISHNA LIVESTOCK BREEDERS PVT. LTD.
HAVING ITS REGISTERED OFFICE AT
377/61, 2ND FLOOR, 43RD CROSS
9TH MAIN, 5TH BLOCK, JAYANAGAR
BENGALURU 560041

2. MR. P.S. NANDA KUMAR
S/O MR. P. SUBRAMANYAM CHETTY
R/A NO.216/32, 39A CROSS
5TH BLOCK, JAYANAGAR
BENGALURU 560041
3. MR. P.N. NIRMALA
W/O MR. P.S. NANDAKUMAR
R/A NO.216/32, 39A CROSS
5TH BLOCK, JAYANAGER
BENGALURU 560041
4. MR. P. NAVEEN KUMAR
S/O MR. P.S. NANDAKUMAR
R/A DOOR NO.1628
16TH MAIN, 2ND PHASE
BANSHANKARI
BENGALURU 560070
5. MR. P. NARENDRA KUMAR
S/O MR. P.S. NANDAKUMAR
R/A NO.216/32, 39A CROSS
5TH BLOCK, JAYANAGAR
BENGALURU 560041
6. MR. P. SUDHAKAR
S/O LATE MR. P. SUBRAMANYAM CHETTY
R/A NO.599, BALAJI COLONY
TIRUPATHI 517501
7. MR. P. SURESH
S/O LATE MR. P. SUBRAMANYAM CHETTY
R/A NO.564, BALAJI COLONY
TIRUPATHI 517501
8. DR. SHARAD L BANGALE
PLOT NO.12, SHIVAJI ROAD
MIRAJ 416410

9. MR. VIDYASAGAR D. PADIA
PLOT NO.12, SHIVAJI ROAD
MIRAJ 416410
10. MR. C. GOPALSWAMY
NO.17, SUMERU AECS LAYOUT
1ST STAGE, 3RD CROSS
GEDLALABATH
BENGALURU 560024
11. MR. M.K. DATTARAJ
NO.10, RANGARAO ROAD
BASAVANGUDI
BENGALURU 560004
12. KOMARLA HOTELS AND RESORTS PRIVATE LIMITED
HAVING ITS REGISTERED OFFICE AT
377/61, 2ND FLOOR, 43RD CROSS
9TH MAIN, 5TH BLOCK, JAYANAGAR
BENGALURU 560041
13. BALKRISHNA BREEDING FARMS PRIVATE LIMITED
HAVING ITS REGISTERED OFFICE AT 377/61
2ND FLOOR, 43RD CROSS, 9TH MAIN
5TH BLOCK, JAYANAGAR
BENGALURU 560041

... RESPONDENTS

(BY SRI MURAL ANANTHASIVAM, ADV., FOR J SAGAR ASSOCIATES FOR R1-R7, R12 & R13;
SRI ADITYA CHATTERJEE, ADV., FOR R8 & R9;
NOTICE TO R10 & R11 IS DISPENSED WITH)

THIS COMPANY APPEAL IS FILED U/S 10[F] OF THE COMPANIES ACT, 1956, PRAYING TO A] CALL FOR THE RECORDS OF THE CASE IN COMPANY PETITION NO.61/2013 ON THE FILE OF THE COMPANY LAW BOARD, SOUTHERN REGION BENCH AT CHENNAI, IF NECESSARY; B] SET ASIDE THE

IMPUGNED ORDER DATED 23.09.2013 PASSED BY THE COMPANY LAW BOARD, SOUTHERN REGION BENCH AT CHENNAI IN C.P NO.61/2013 AND GRANT INTERIM RELIEFS AS PRAYED FOR IN THE PETITION BEFORE THE COMPANY LAW BOARD.

THIS COMPANY APPEAL COMING ON FOR ADMISSION, THIS DAY, **Dilip B. Bhosale J.** DELIVERED THE FOLLOWING:

PC:

Heard learned counsel for the parties.

2. Mr.K.G.Raghavan, learned Senior counsel appearing for the appellants submits that the appellants would be satisfied if appellant No.3 is allowed to step down as a Director from the Board of Directors of respondent No.1-Company and in his place appellant No.1 is allowed to continue as a Director pending the hearing and final disposal of the Company petition bearing No.61/2013 before the Company Law Board (for short "the CLB), Chennai Branch. He further submits, if this is accepted by

the respondents he has instructions not to press this appeal. His statements are accepted.

3. Learned counsel appearing for the respondents, on instructions, submits that the proposal made by learned counsel for the appellants is acceptable to the respondents. His statement is also accepted.

4. Hence we pass the following order:

"The appellant No.3 shall tender a formal resignation letter as a Director within one week from today. His resignation shall come into effect on its tender, with immediate effect. Appellant No.1 shall continue to be the Director till the company petition is finally disposed of by the CLB. In other words, appellant No.1 shall continue as a Director of respondent No.1-Company in the place of appellant No.3."

5. In view of the fact that the dispute in the present appeal is between the members of one and the same family, we hope and trust that the CLB shall endeavour to dispose of the company petition expeditiously.

***With these observations, the appeal is disposed of.
Consequently, the interim application stands disposed of.***

**Sd/-
JUDGE**

**Sd/-
JUDGE**

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