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Comp.A.No.116 of 2020

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in C.P.No.57 of 1998

SENTHILKUMAR RAMAMOORTHY, J.

The applicant is an association claiming to represent the owners of a particular project of the company in liquidation. By this application, leave is prayed for to proceed with C.S.No.837 of 1998. The said suit is pending on the original side of this Court. The applicant, which is the plaintiff therein, has prayed for a declaration that the agreements for maintenance between the company in liquidation and the respective owners had lapsed and seeks several injunctions in relation thereto.

2. Learned Administrator submits that all proceedings relating to the company in liquidation are being conducted through the Companies Court. Therefore, he submits that the suit may be transferred to the Companies Court. Learned counsel for the applicant has no objection to this course of action.



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3. Under Section 446(2)(a) of the Companies Act, 1956, the Companies Court is empowered to transfer to its file and dispose of such suit or proceeding. The only exception relates to proceedings in appeal before the High Court and proceedings before the Supreme Court [S.446(4)]. Since C.S.No.837 of 1998 is an original suit and not an appellate proceeding, there is no legal impediment for the transfer. Such transfer will result in consolidation of proceedings before the Companies Court.

4. Accordingly, C.S.No.837 of 1998 is transferred to the Companies Court. Let the suit be placed before this Court on 11.11.2022.

28.10.2022

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