



A. No.539 of 2022
in
C.S. No.909 of 2002

WEB COPY

P.B.BALAJI, J.,

This Application has been taken out to appoint a Chartered Accountant to forensically examine the accounts of the 1st defendant in terms of Clause 3 and 4 of the decree in C.S. No.909 of 2002 dated 17.09.2012.

2. Heard Mr.Avinash Wadhwani for Mrs. V.Srimathi, learned counsel for the Applicant/plaintiff and Mr.M.L.Ganesh, learned counsel for the first respondent.

3. The case of the Applicant/plaintiff is that the plaintiff has filed a suit for cancellation of mortgage deed and for a direction to the defendants to handover the original title deeds to the plaintiff by passing a preliminary decree for redemption of mortgage deed dated 14.11.1995. The defendants have preferred OSA. No.232 of 2013 and the same was also dismissed on 01.10.2020, confirming the order of the learned Single Judge.

4. The grievance of the Applicant/plaintiff is that the accounts have been manipulated by the first defendant and therefore, the same requires to be examined and scrutinised by an expert, therefore, the said Application has been



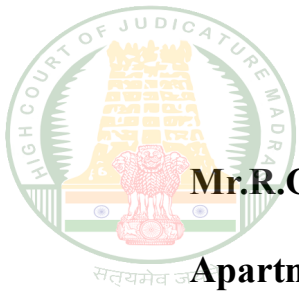
taken out to appoint a Chartered Accountant to forensically examine the accounts of the first defendant.

WEB COPY

5. The learned counsel for the Applicant/plaintiff would submit that the respondents have been delaying the matter and the first respondent also moved the Hon'ble Supreme Court in SLP (C) No.10511 of 2022. The Hon'ble Supreme Court dismissed the said SLP on 14.07.2022 and granted liberty to the first defendant to file a Review Petition. Pursuant to the leave granted by the Hon'ble Supreme Court, Review Application No.208 of 2022 has been preferred by the first defendant and on 27.03.2024, the Hon'ble Division Bench of this Court dismissed the said Review Application with costs of Rs.2,00,000/- payable to the Applicant/plaintiff and directed this Court to decide the present Application within a period of four weeks.

6. The learned counsel for the first respondent would however submit that he has no serious objection for appointing a Chartered Accountant to forensically examine the accounts of the 1st defendant in terms of Clause 3 and 4 of the decree in C.S. No.909 of 2002 dated 17.09.2012.

7. Considering the above facts and circumstances and also in view of no serious objection made by the learned counsel for the first respondent,



WEB COPY

Mr.R.G.Rajan, Chartered Accountant, Flat No.3, Kruti Akruti Apartments, 2/3 LIC Colony Extension Off Dr.Radhakrishnan Nagar

Main Road, Thiruvanniyur, Chennai-41 (Mobile No: 98840 46840), is appointed to forensically examine the accounts of the 1st defendant. The initial remuneration of the Chartered Accountant is fixed at Rs.1,00,000/-. The same shall be shared by both the plaintiff and the first defendant equally. The parties shall cooperate through their respective counsel and furnish copies of all relevant documents to the above said Chartered Accountant, to enable him to go into the same and give his findings. The report of the Chartered Accountant is returnable by 15.07.2024.

8. Post the matter on 16.07.2024.

18.04.2024

rkp

Copy to:

Mr.R.G.Rajan,
Chartered Accountant,
Flat No.3, Kruti Akruti Apartments,
2/3 LIC Colony Extension Off
Dr.Radhakrishnan Nagar Main Road,
Thiruvanniyur, Chennai-41.
(Mobile No: 98840 46840).



WEB COPY



rkp

**Pre-delivery Order in
A. No.539 of 2022
in
C.S. No.909 of 2002**

18.04.2024