

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

IA 2 AND IA NO. 3 IN IA NO. 2 in CIVIL APPEAL NO. 3446 OF 2006

T.O.ALEYNAS & ORS.

Appellant (s)

VERSUS

M/S. ST.MARY'S HOTELS (P) LTD. & ORS.

Respondent(s)

(For directions and permission to file additional documents and office report)

Date: 15/01/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Appellant(s)

Mr. Harish N. Salve, Sr. Adv.

Mr. E.M.S. Anam, Adv.

Mr. Fazlin Anam, Adv.

For Respondent(s)

Mr. K.N. Bhat, Sr. Adv.

Mr. Romy Chacko, Adv.

UPON hearing counsel the Court made the following

O R D E R

I.A. No.3 (Permission to file Additional Affidavit) is allowed.

Interlocutory Application No.2 has been filed seeking a direction to

remove Shri T.O. Abraham, respondent No.2 herein, as Managing Director of M/s. St. Mary's Hotels (P) Ltd. The said prayer is rejected at present subject to the fulfillment of the following conditions:

1. In the additional affidavit filed in continuation of I.A.

No.2, it has been alleged by the applicant that during the pendency of

the proceedings Shri T.O. Abraham, respondent No. 2, has got 2,20,000

fresh shares allotted himself thereby changing the share holding between the

applicant and the respondent. The resolution to allot 2,20,000 shares in

favour of respondent No.2 has been set aside by the Company Law Board on

various grounds.

2. Accordingly, it is directed that the share holding of the

company be not changed without taking permission from the court.

Shares, if any, allotted to respondent No.2 are put in abeyance till

disposal of the appeal.

3. Respondent No.2 is also directed to associate the other three

branches with the management of the company.

I.A. No. 2 stands disposed of accordingly.

(Parveen Kr. Chawla)

Court Master

(Khushi Ram)

Court Master

