

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE**

**DATED THIS THE 1<sup>ST</sup> DAY OF DECEMBER, 2003**

**PRESENT**

**THE HON' BLE MR. JUSTICE S.R.NAYAK**

**AND**

**THE HON' BLE MR. JUSTICE RAM MOHAN REDDY**

**MISCELLANEOUS FIRST APPEAL NO.2656 OF 2003 C/W**  
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**M.F.A.NO.2657/2003**  
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**IN MFA.NO.2656/2003**

**APPELLANT**



YASHASWI LIMITED  
SF-10, CITY POINT  
INFANTRY ROAD  
BANGALORE-560 001  
REPRESENTED BY ITS CHAIRMAN  
SRI.N.NIRANJAN

(BY SRIYUTHS: UDAYA HOLLA, P.MANJUNATH, ADITYA  
SONDHI, VIVEK BAJAJ, ADVOCATES)

**-V/S-**

**RESPONDENTS**

- I. PRABHAKAR S G, MAJOR  
NO.11/1, MANKANNA GARDEN  
SWASTI CROSS ROAD  
SHANTHINAGAR  
BANGALORE-560 027

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-:2:-

**MFA.NO.2656/2003 C/W**  
**MFA.NO.2657/2003**

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2. SUJATHA R MURTHY, MAJOR  
KONARK VEGITARIAN  
50, RESIDENCY ROAD  
BANGALORE - 25
3. K RAMAMURTHY.K., MAJOR  
KONARK VEGITARIAN  
50, RESIDENCY ROAD  
BANGALORE-560 025
4. K SATHYAVATHI, MAJOR  
NO.39, 3<sup>RD</sup> MAIN ROAD  
CHAMARAJPET  
BANGALORE-560 018
5. K JAYA, MAJOR  
C/O T RAMAKRISHNA HATWAR  
AREBELLU, POST THEKKATTE  
KUNDAPUR TALUK (D.K.)
6. KAMALA RAO.P.N., MAJOR  
NO.5, 4<sup>TH</sup> MAIN  
III CROSS, SAMPANGINAGAR  
BANGALORE-560 027
7. K ANANDA RAO, MAJOR  
\*NO.5, 4<sup>TH</sup> MAIN  
III CROSS, SAMPANGINAGAR  
BANGALORE-560 027
8. N P ASHWINI, MAJOR  
'SHRI KRISHNA' NO.175  
2<sup>ND</sup> MAIN, 3<sup>RD</sup> CROSS  
CHAMRAJPET,  
BANGALORE

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-:3:-

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**MFA.NO.2657/2003**

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9. C S RANGANATH, MAJOR  
S/O C.S.SEETHARAM  
NO.54, II B MAIN ROAD  
BASAPPA LAYOUT  
GAVIPURAM EXTENSION  
BANGALORE-560 019
10. LOUIS J FERNANDES, MAJOR  
403-A, VRINDAVAN  
YOSHODHAM NORTH  
BEHIND DINDOSHI BUS  
DEPOT MALAD (EAST)  
MUMBAI 97
11. MS ASSUMPTA FERNANDES, MAJOR  
403-A,VRINDAVAN  
YOSHODHAM NORTH  
BEHIND DINDOSHI BUS  
DEPOT MALAD (EAST)  
MUMBAI-97
12. SARVOTHAM K PAI, MAJOR  
KOTESHWARA  
KUNDAPURA
13. T R SUNANDA, MAJOR  
250/1, OUT HOUSE  
III MAIN ROAD  
2<sup>ND</sup> CROSS, CHAMRAJPET  
BANGALORE-560 018
14. K PRAKASH RAO, MAJOR  
HOTEL MANASA  
BANK STREET, KOTI  
HYDERABAD

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-:4:-

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**MFA.NO.2657/2003**

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15. S RANGANAYAKAMMA, MAJOR  
SITA, NEAR CHACHA NEHRU PARK  
VINOBHANAGAR, II BLOCK  
SHIMOGA -577 204
16. P RAMESH HERLE, MAJOR  
PUBLIC TELEPHONE BOOTH  
SALIGRAMA, UDUPI DISTRICT
17. P RAMESH HERLE, MAJOR  
PUBLIC TELEPHONE BOOTH  
SALIGRAMA, UDUPI DISTRICT
18. P RAMESH HERLE, MAJOR  
PUBLIC TELEPHONE BOOTH  
SALIGRAMA, UDUPI DISTRICT
19. N S VADIRAJA, MAJOR  
NO.54, ASHIRWAD  
7<sup>TH</sup> MAIN, NEW SARASWATHIPURAM,  
KAMAKSHI, HOSPITAL ROAD  
MYSORE
20. GEETHA VADIRAJA, MAJOR  
NO.54, ASHIRWAD  
7<sup>TH</sup> MAIN, NEW SARASWATHIPURAM  
KAMAKSHI, HOSPITAL ROAD  
MYSORE
21. BHAGYASHREE, MAJOR  
M/G & D/O GEETHA VADIRAJA  
NO.54, 'ASHIRVAD'  
7<sup>TH</sup> MAIN, NEW SARASWATHIPURAM  
KAMAKSHI, HOSPITAL ROAD  
MYSORE

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11


-:5:-

**MFA.NO.2656/2003 C/W**  
**MFA.NO.2657/2003**

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22. K ANANTHA PADMANABHA HEBBAR, MAJOR  
RETIREED TEACHER, P.O.KONI  
KUNDAPUR TALUK 576 217
  23. T RAMAKRISHNA HATWAR, MAJOR  
S/O MR.T NARAYANA HATWAR  
ARYBAIL, THIKKARA
  24. T GULABI, MAJOR  
ARYBAIL, THIKKATTE  
KUNDAPUR TALUK
  25. H SHESHAGIRI HEBBAR, MAJOR  
C/O POST MANGALORE  
KUNDAPUR TALUK
  26. T GULABI, MAJOR  
ARYBAIL, THIKKATTE, KUNDAPUR TALUK
  27. PRASANNA KUMAR, MAJOR  
S/O NARAYANA HEBBAR  
KOTESHWARA POST  
KUMBRI, KUNDAPUR TALUK 576 222
  28. MR.PRASANNA, MAJOR  
KOTESHWARA POST, KUNDAPUR
  29. M/S NAGARATHNAMMA, MAJOR  
C/O MR.RAMAKRISHNA BHAT  
HOUSE BEEJADI, POST KOTESHWARA  
KUNDAPUR TALUK 576 222

(BY SRI.M.ANANTH BHAT, ADVOCATE FOR R2, R3, R4, R5,  
SRI.P.M.NAYAK, ADVOCATE FOR R8, R14, R16, 17, 18, 27,  
28, 22, 23, 24, 26, SRI.B.V.MANJUNATH ADVOCATE for R13,  
SRI.A.SHAMSUNDAR ADVOCATE for R19, R20, R21,  
SRI.K.V.SHENOY, ADVOCATE FOR R12)

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-:6:-

**MFA.NO.2656/2003 C/W**  
**MFA.NO.2657/2003**

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**IN MFA.NO.2657/2003**

**APPELLANT**

YASHASWI LIMITED,  
SF - 10, CITY POINT,  
INFANTRY ROAD, BANGALORE - 560 001  
REP. BY CHAIRMAN SRI.NIRANJAN.N

(BY SRIYUTHS: M/S HOLLA & HOLLA, PATIL AND NETTAR,  
B.MANJUNATH, P.SRIMATHI, ADITYA SONDHI,  
UDAYA HOLLA, ADVOCATES)

**-V/S-**

**RESPONDENTS**

1. THARA HATWAR, MAJOR  
NO.30, 60 FT.ROAD,  
BHOOPSANDRA EXTENSION  
RMV II STAGE, B'LORE-94
2. B LEELAVATHI, MAJOR  
NO.16, III MAIN, III PHASE, J P NAGAR  
B'LORE-78
3. GANAPATHAIAH G N, MAJOR  
MINTO EYE HOSPITAL  
CHAMARAJPET, B'LORE
4. DAMODHAR RAO B D, MAJOR  
C/O SRI.VISHNUBHAVANA  
M L ROAD, MANDYA
5. VENKATESH MURTHY H S, MAJOR  
NO.122, 25<sup>TH</sup> A CROSS  
III BLOCK EAST, JAYANAGAR  
BANGALORE

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-:7:-

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**MFA.NO.2657/2003**  
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6. VENKATESH MURTHY H S, MAJOR  
NO.122, 25<sup>TH</sup>A CROSS  
III BLOCK EAST, JAYANAGAR  
B'LORE
7. G N NAGAPPAIAH, MAJOR  
SRI GANESH NILAYA  
252/A, II STAGE, II BLOCK  
3<sup>RD</sup> C CROSS, BASAVESHWARANAGAR  
B'LORE-79
8. SANDHYA B, MAJOR  
122, 25 'A' CROSS,  
III BLOCK EAST  
JAYANAGAR, B'LORE-11
9. INDIRA K V, MAJOR  
C/O MANJUNATH RAO  
ANKADOKATTE POST  
KOTESHWARA, KUNDAPURA TALUK
10. BLACEIOUS D'SOUZA, MAJOR  
S/O LATE MR.LUCOS D'SOUZA  
ST.MARTHA HOUSE,  
SHIVALLI POST VIA KUNJIBETTE  
UDUPI 576 102
11. RAMANATHAN M, MAJOR  
NO.5, IST CROSS  
II PHASE, 24<sup>TH</sup> MAIN,  
J P NAGAR, BLORE
12. LAKSHMI AMMAL M, MAJOR  
NO.5, I CROSS  
II PHASE, 24<sup>TH</sup> MAIN,  
J P NAGAR, B' LORE-78

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78

-:8:-

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13. RAMANATHAN M, MAJOR  
M.RAMANATHAN  
NO.5, IST CROSS  
II PHASE, 24<sup>TH</sup> MAIN,  
J P NAGAR, B'LORE
  14. G N NAGAPPAIAH, MAJOR  
SRI GANESH NILAYA  
252/A, II STAGE, II BLOCK  
3<sup>RD</sup> C CROSS, BASAVESHWARANAGAR  
BANGALORE-79
  15. GANAPATHAYYA G N, MAJOR  
MINTO EYE HOSPITAL  
CHAMARAJPET, B'LORE
  16. SHANTHA G N, MAJOR  
NELLIKOTE BALIHOLE POST  
MUDIGERE TQ, CHICKMAGALUR
  17. SUJATHA, MAJOR  
W/O.G.N.GANAPATHAIAH  
NO.4/6, EAST STREET  
SHANTHINAGAR, B'LORE-27
  18. VASUDEVA RAO K, MAJOR  
NO.4/6, EAST STREET  
SHANTINAGAR, B'LORE-27
  19. RAVINDRA H B, MAJOR  
NO.14, RAVINDRA NAGAR  
4<sup>TH</sup> CROSS, SHIMOGA
  20. BABU RAO H, MAJOR  
AGRICULTURIST  
HOBVENAVALLI VILLAGE  
SHIMOGA 577 222

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-:9:-

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**MFA.NO.2657/2003**  
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21. VISVESWARAIAH C S, MAJOR  
NO.3154, ADVOCATE  
A T STREET, SRIRANGAPATNA  
MANDYA
22. B S SEEMA, MAJOR  
NO.13 (11), I CROSS  
H SIDDAIAH ROAD  
REDDY QUARTERS  
B'LORE-27
23. C S KRISHNA MURTHY, MAJOR  
NO.671, CH-5, LAXMI KRUPA  
KUMBARAGERI 3<sup>RD</sup> CROSS  
CHAMARAJA MOHALLA  
N.S.ROAD, MYSORE 570 024
24. K VANAMALA, MAJOR  
CHANNA BASAVESHWARA NAGAR  
III CROSS, SADHANA BUILDING  
UPPER HALLI, TUMKUR
25. P RAMESH HERLE, MAJOR  
PUBLIC TELEPHONE BOOTH  
BUS STAND KOTA  
UDUPI DISTRICT
26. P RAMESH HERLE, MAJOR  
PUBLIC TELEPHONE BOOTH  
BUS STAND KOTA  
UDUPI DISTRICT
27. P RAMESH HERLE, MAJOR  
PUBLIC TELEPHONE BOOTH  
BUS STAND KOTA  
UDUPI DISTRICT

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71

-:10:-

**MFA.NO.2656/2003 C/W**  
**MFA.NO.2657/2003**  
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28. P RAMESH HERLE, MAJOR  
PUBLIC TELEPHONE BOOTH  
BUS STAND KOTA  
UDUPI DISTRICT
29. B N NAYAK, MAJOR  
NO.2-146/7,  
AMBIKA NAGAR,  
KULKUR KAVOOR ROAD  
P O KAVOOR, MANGALORE 575 015
30. NARAYANA, MAJOR  
H.NO.1670/55,  
IST MAIN, II CROSS  
NEAR RAILWAY STATION  
KENGARI, UPPANAGAR  
B'LORE-60
31. U R BHAT, MAJOR  
SITARA MAIN ROAD,  
AMBALPADY, UDUPI 576 103
32. HARI OM, MAJOR  
S/O.H.GOPALAKRISHNA ACHARYA  
UPSTAIR,, KRISHNAMURTHY  
COMPOUND, II CROSS,  
K.R.EXTENSION, TUMKUR
33. SRISHA, MAJOR  
S/O.K.G.SEETHARAMA RAO  
KRISHNA KRUPA  
DOOR NO.7,  
KRISHNA PRAKASH  
K.R.EXTENSION  
TUMKUR 575 101

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7

**MFA.NO.2656/2003 C/W**  
**MFA.NO.2657/2003**  
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34. K G SEETHARAMA RAO, MAJOR  
S/O.K.S.GOPALA KRISHNA RAO  
KRISHNA KRIPA  
BIDARAMANE THATTA,  
TUMKUR
35. K S SAVITHA, MAJOR  
W/O.K.G.SEETHARAMA RAO  
SEETHARAMA KRUPA  
DOOR NO.22, K.R.EXTENSION  
TUMKUR 572 101
36. VARALAKSHMI VAIDYA, MAJOR  
W/O PRADEEP KUMAR VAIDYA  
P O A C C KYMORI  
JABALPUR (M P)
37. B N MANJUNATH, MAJOR  
NATIONAL AWARDEE  
NARAYANA KRUPA  
RAILWAY STATION ROAD  
GANDHINAGAR, TUMKUR 572 102
38. VASUDEVA, MAJOR  
PANDURANGA NILAYA  
UPSTAIRS, 4<sup>TH</sup> CROSS  
K.R.EXTENSION  
TUMKUR 572 101
39. VENKATESH D R, MAJOR  
BRINDAVANA 3<sup>RD</sup> CROSS  
VIYANAGAR, TUMKUR 572 102
40. B R NAGESH, MAJOR  
C/O.SRI RAMA RAO  
PROP.HOTEL

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-:12:-

**MFA.NO.2656/2003 C/W**  
**MFA.NO.2657/2003**  
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KSRTC BUS STAND  
TUMKUR

41. GEETHA, MAJOR  
GANJAPPA BUILDING  
SHANTINAGAR, TUMKUR 572 101
42. K JAGANATH RAO, MAJOR  
NO.266, SRI RAMAKRISHNA  
NEAR MAGISTRATES COURT  
SRIRANGAPATNA
43. RUKMINI NAVADA, MAJOR  
NARASIMHA NILAYA  
B B ROAD, KUNDAPUR TALUK 576 201

(BY SRI.M.ANANTH BHAT, ADVOCATE FOR R1 AND R2  
SRI.MITTY NARASIMHA MURTHY, ADVOCATE FOR R5,  
R6, R8, R11, R12, R13, SRI.P.M.NAYAK FOR R3, R15,  
R4, R7, R14, R9, R17, R19, R20, R18, R21, R22, R23,  
R25, R26, R27, R28, R29, R33, R34, R35, R37, R40, R42)

These MFA's Filed U/S 10 of the Companies Act, against the  
Common Order dated: 14.2.2003 passed in CA's No.YAL.1-  
25/58A(9)/SRB/2002 and CA'S.No.YAL.1-3/58A(9)/SRB/2003 on the  
file of the Company Law Board, Southern Region Bench, Chennai,  
ordering that the Company shall repay the deposits together with the  
upto date interest at the contracted rate and the filing fee to the  
applicants/respondent.

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-:13:-

**MFA.NO.2656/2003 C/W**  
**MFA.NO.2657/2003**

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These MFA's coming on for Orders this day, the Court made the following:

**ORDER**

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Heard.

No good ground to vacate the interim order. IA-II/03 is dismissed.  
Interim Order is made absolute.

Finally, two weeks time is granted to take steps, failing which the appeal shall stand dismissed for non-prosecution without any further orders from the Court.

Post this appeal for final hearing immediately after service of notice on all respondents is completed.

Post a/w MFA.No.4203/2003, 4341/2003 & 5949/2003

Sd/-  
JUDGE.

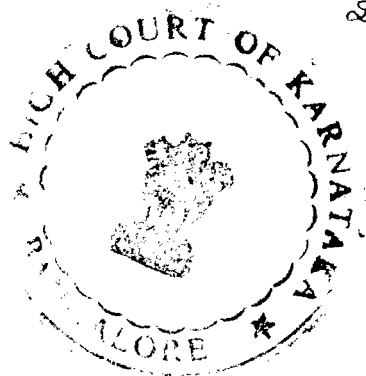
Sd/-  
JUDGE.

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26/2