

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 29.01.2021**

**CORAM :**

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN**

**AND**

**THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU**

O.S.A.No.41 of 2017

Kotak Mahindra Bank Ltd.,  
Mount Road Branch,  
II Floor, No.158, Anna Salai,  
Chennai - 600 006,  
Rep. by its Power of Attorney /  
Area Recovery Manager,  
Mr.V.V.Sriramamurthy.

... Appellant

**Vs**

1.M/s.Orchid Pharma Limited,  
Orchid Towers,  
313, Valluvar Kottam High Road,  
Nungambakkam,  
Chennai - 600 034.

2.State Bank of India,  
CAG Branch, 3rd Floor,  
Sigapi Achi Building,  
18/3, Ruckmani Lakshmipathi Salai,  
Egmore,  
Chennai - 600 008.

3.Hospira Healthcare Private Ltd.,  
Plot No.B3, SIPCOT Industrial Park,  
Irungattukottai, Sriperumputhur Taluk,  
Kancheepuram District,  
Tamil Nadu.

4.Mr.Sripatham Venkatasubramanian Ramkumar,  
Resolution Professional,  
H.No.303, Block 15, Hill Ridge springs,  
Gachibowli, Hyderabad - 500032.

[R4 is *suo motu* impleaded as a party respondent  
vide Court order dated 14.11.2019 made in  
O.S.A.No.41 of 2017 (NKKJ & PVJ)]

... Respondents

**PRAYER :** Original Side Appeal filed under Order XXXVI Rule 1 of O.S. Rules  
and under Section 483 of the Companies Act, 1956 read with Clause 15 of Letters  
Patent, praying to set aside the Order and Decree dated 26.09.2016 made in  
C.P.No.308 of 2013 passed by this Court.

For Appellant : Mr.H.Karthik Seshadri

For Respondents : Ms.Varuni Mohan for  
Mr.T.K.Bhaskar for R1.

Mr.S.Sethuraman for R2.

**J U D G M E N T**

(Judgment of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.Mrs.Elizabeth Seshadri, Learned Counsel appearing for the Appellant submits that the Appeal has become infructuous, as another creditor has already moved the National Company Law Tribunal and proceedings have been commenced for winding up.

3.In view of the above, this Appeal is dismissed with liberty to the Appellant to move the National Company Law Tribunal. No costs.

(N.K.K.,J.)

(P.D.A.,J.)

29.01.2021

ay/ Maya

Index: Yes/No

Internet: Yes/No

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**N.KIRUBAKARAN, J.  
AND  
P.D.AUDIKESAVALU, J.**

*ay*



**O.S.A.No.41 of 2017**

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**Dated:29.01.2021**