



Date: 03.01.2017

TO WHOM SO EVER IT MAY CONCERN

M/s.Greenwood Builders and another have filed a suit against Mr.L.Rajeshwar Rao and nine others for recovery of money totaling to Rs.1,63,92,622/- and also perpetual injunction.

This is on the basis that Mr.L.Rajeshwar Rao and nine others had entered into a valid agreement with M/s.Greenwood Builders. The agreement also contained several terms and conditions to be performed by the owners of the land. The Plaintiffs in the suit also sought attachment before judgment as the claim is Rs.1,63,92,622/-, and that the Defendants are trying to create third party interest.

The Defendants have taken the plea that there is an arbitration clause in the agreement and therefore matter has to be referred to an arbitrator. The Plaintiffs have paid a huge amounts to the Defendants but they have not taken any steps to comply with the terms of the agreement.

Meanwhile the Defendants have entered into an agreement with third parties to avoid the claims of the Plaintiffs. Hence the Plaintiffs have filed a separate petition under criminal law for cheating. The Hon'ble court has taken cognizance and therefore the police authorities are bound to take steps for filing charge sheet and proceed with the matter. Merely because a parallel civil proceeding is pending does not necessarily preclude criminal prosecution. It is ultimately the jurisdiction of the Hon'ble court to decide regarding the same. At present police authorities have to act upon the cognizance taken by the concerned criminal court, otherwise even the police authorities may be subjected to allegation of contempt of court.

(C.BALAGOPAL)
ADVOCATE