

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 3RD DAY OF JULY 2018

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.A. No.1108 of 2017

in

C.S. No.867 of 2017

R.Kalaiarasi Proprietrix of
M/s.R.R.Pack
Office at SS No.4,
Thiruvalluvar Nagar 1st street,
Tondiarpet, Chennai - 600 081.

.. Plaintiff / Applicant

Vs.

1.The Branch Manager,
Tamilnadu Mercantile Bank,
Perambur Branch,
Perambur, Chennai - 600 011.

2.The Manager,
United India Insurance Company Ltd.,
24, Whites Road, Royapettah,
Chennai - 600 014.

3.The Divisional / Branch Manager,
United India Insurance Company Ltd.,
Divisional Office Tuticorin,
457, Victoria Extension Road,
Tuticorin - 628 002.

.. Defendants / Respondents

Original Application praying that this Hon'ble Court be pleased
to grant interim injunction restraining the 1st respondent from in

any manner claiming interest on the outstanding amount of the credit facility availed by the applicant from the 1st respondent and enforcing the same till the disposal of the suit.

This Original Application coming on this day before this court for hearing, the court made the following order:

This application has been filed to grant interim injunction restraining the 1st respondent from in any manner claiming interest on the outstanding amount of the credit facility availed by the applicant from the 1st respondent and enforcing the same till the disposal of the suit.

2.The suit itself is filed for recovery of money based on the insurance claim. It is an admitted case of the parties that the dispute is between the plaintiff and the second and third defendants. The first defendant is a Bank, which is no way connected with the policy. Whereas, the application has been filed to restrain the first defendant in any manner claiming interest on the outstanding amount of the credit facility availed by the applicant.

3.Heard both sides.

4.Despite of independent transaction of loan availed by the applicant, the first defendant is not a party to the contract of Insurance and they cannot be restrained from taking any action against the applicant.

5.Hence, The learned counsel for the applicant submitted that he may be given an opportunity to summon the first defendant during the trial for production of accounts. It is upto the plaintiff to take necessary legal course to summon any witness.

6.With the above observation, this application stands dismissed.

7.Post C.S.No.867 of 2017 on 30.07.2018 for filing written statement.

Sd./- N.S.K.J.

03.07.2018

//Certified to be true copy//

Dated at Madras this the th day of 2018.

COURT OFFICER (O.S.)

TPY/06.07.2018

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