

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 19th DAY OF SEPTEMBER 2018

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

A.No.1513 of 2017

in

C.S.No.145 of 2017

M/S.kamachi Industries Ltd.,
Formerly Known as
M/s.Kamachi Sponge and Power Corporation Ltd.,
Rep.,by its Office Executive-Legal,
Mr.P.Baskaran,
No.39, ABC Trade Centre III Floor,
Inside Devi Theatre Complex
Anna Salai, Chennai 600 002. :Applicant

Vs

M/s.Ind-Barath Power (Madras) Limited,
No.20/129, Chamiers Road,
Nandanam, Chennai 600 035. : Respondent

Application praying that this Hon'ble Court be pleased to direct the respondent/defendant to furnish security to the suit claim of Rs.94,43,295/- and in default to pass an order of Attachment Before Judgement of the schedule Mentioned property through the District Court at Thoothukudi.

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

This suit has been instituted for recovery of a sum of Rs.94,43,292/- for the price of the goods supplied by the Plaintiff to the Defendant, which has not been paid. The property of the Defendant described in the schedule to the Judges Summons in this application has sought to be attached before judgment. The Defendant has filed an affidavit dated 11.09.2018 in which it has been stated in para 5 as follows:-

"5. The Petitioner, as an Operational Creditor has filed his claim as per the provisions of IBC and Regulations thereunder via Form B for an amount of Rs.1,12,05,584/- (Rupees One Crore, Twelve Lacs, Five Hundred and Eighty Four only) and that the claim has already been verified by the Resolution Professional's team and has been admitted to the extent of Rs.1,12,03,948/- (Rupees One Crore, Twelve Lacs, Three Thousand, Nine Hundred and Forty eight only), the intimation of which has been made to the Petitioner as well vide e-mail dated 29th March 2018."

2.Learned Counsel for the Plaintiff submits that in view of the aforesaid statements made by the Defendant, he is not pressing this application and he has also made an endorsement to that effect, which is recorded. Hence, this application is dismissed as not pressed.

Sd/.P.D.A.J

08.10.2018

//Certified to be a true copy//

Dated this the th day of 2018.

DL/17.10.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.