

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

A.No.736 of 2018

Berggruen Estate Projects Pvt.Ltd.,
having their office at
Notan, 6th floor, 898 Turner Road,
Bandra West, Mumbai 400 050, India

. . . Applicant

Versus

1. Shri.Chillara Kalyan
Plot No.332, H.No.G-1,
Somnath Residency, Kamalapuri Colony,
Phase - III, Hyderabad 500 073.

2. Shri.Kamal Singh
Plot No.332, H.No.G-1,
Somnath Residency, Kamalapuri Colony,
Phase - III, Hyderabad 500 073.

3. Shri Arjun Singh
Plot No.332, H.No.G-1,
Somnath Residency, Kamalapuri Colony,
Phase - III, Hyderabad 500 073.

4. Soni Bai
Plot No.332, H.No.G-1,
Somnath Residency, Kamalapuri Colony,
Phase - III, Hyderabad 500 073.

5. Choti Bai
Plot No.332, H.No.G-1,
Somnath Residency, Kamalapuri Colony,
Phase - III, Hyderabad 500 073.

. . . Respondents

PRAYER: Application filed under Order XIV Rule 8 of original side rules r/w.SEC 9(ii)(b) of the Arbitration and Conciliation Act, 1996, to direct the first respondent to deposit with this Hon'ble Court a sum of Rs.7,00,00,000/- (Rupees Seven Crores Only) with interest of Rs.1,94,86,849/- calculated at 9 % p.a. calculated from 9th November 2015 till 12th December 2018 aggregating to a sum of Rs.89,486,849 failing which this Hon'ble Court be pleased to pass an order directing the respondents to furnish Bank Guarantee for a sum of Rs.89,486,849/-.

For Applicant : Mr.D.Pradeep Kumar
For Respondents : No appearance

ORDER

This application has been filed to direct first respondent to deposit with this Hon'ble Court a sum of Rs.7,00,00,000/- (Rupees Seven Crores Only) with interest of Rs.1,94,86,849/- calculated at 9 % p.a. calculated from 9th November 2015 till 12th December 2018 aggregating to a sum of Rs.89,486,849 failing which this Hon'ble Court be pleased to pass an order directing the respondents to furnish Bank Guarantee for a sum of Rs.89,486,849/-.

2. The learned counsel for the applicant submitted that the respondents are all along contesting the original petition, now it appears that they have also challenged the interest part which is pending before the Hon'ble Apex Court. However, when notice were sent to the respondents to the same address it has been returned with an endorsement "left without instructions". This shows that it has been done deliberately. The respondents are all along prosecuting their stand, even now they challenged the interest portion.

3. In view of the matter, applicant is permitted to communicate the order to the respondents privately as well as by way of paper publication in any local daily both in Regional language and in English with significant circulation in Kamalapuri Colony, Phase III, Hyderabad, stating the date of hearing as 13.08.2020.

सत्यमेव जयते

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15.07.2020

Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking
dpq

N.SATHISH KUMAR, J.

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