

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Civil Miscellaneous Appeal No.4683 of 2019

G.Kathirvel

...Appellant

vs.

M/s.Apna Finance India Limited,
represented by its Authorized Signatory,
P.Vishal Lodha,
No.1, Mangappan Street,
Sowkarpet, Chennai 600 079.

... Respondent

Civil Miscellaneous Appeal filed under Order XLIII C.P.C. against the order dated 11.11.2019 passed in E.A.No.2 of 2019 in E.P.No.36 of 2019 in ARC No.240 of 2010 pending on the file of the III Additional District Judge, Poonamallee, Thiruvallur District.

For Appellant : Mr.S.Vijayaganesh
For Respondent : Mr.M.B.Raghavan

O R D E R

This Civil Miscellaneous Appeal is filed against the order dated 11.11.2019 passed in E.A.No.2 of 2019 in E.P.No.36 of 2019 in ARC No.240 of 2010 pending on the file of the III Additional District Judge, Poonamallee, Thiruvallur District.

2. It is represented by the learned counsel for the Appellant that, initially an Award was passed on 15.05.2010 in ARC No.240 of 2010 and in the passage of time, decreetal order dated 11.11.2019 was passed in E.A.Nos.2 and 3 of 2019 in E.P.No.36 of 2019, dismissing the Petitions.

3. It is further submitted by the learned counsel for the Appellant that a sum of Rs.15 lakhs had already been refunded to the Respondent and that, only a sum of Rs.4.5 lakhs is liable to be paid to the Respondent.

4. In reply, learned counsel appearing for the Respondent submitted that, a sum of Rs.8,61,504/- was ordered to be paid by the Appellant to the Respondent herein, vide Award dated 15.05.2010 in A.R.C.No.240 of 2010 and that, a sum of Rs.8 lakhs may be directed to be paid by the Appellant to the Respondent herein.

5. Admittedly, no objections were filed in E.P.No.36 of 2019 by the Appellant herein, in spite of sufficient time

being granted by this Court. In order to give one more opportunity to the Appellant to file objections, E.P.No.36 of 2019 is restored on file, subject to the following conditions:

(i) As an interim arrangement, the Appellant shall deposit a sum of Rs.6,00,000/- (Rupees Six Lakhs only) to the credit of E.P.No.36 of 2019 in ARC No.240 of 2010 pending on the file of the III Additional District Judge, Poonamallee, Thiruvallur District, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that, not even a pie shall be withdrawn without the orders of the Court below, till the disposal of E.P.No.36 of 2019.

(ii) As no objections are filed in E.P.No.36 of 2019, the Appellant herein is given 30 days' time from today, to file the same. In case of failure to file objections in E.P.No.36 of 2019, the Respondent herein is entitled to withdraw 25% of the principal amount, and the remaining amount shall be deposited in a Fixed Deposit Scheme in any one of the Nationalized Banks, initially for a period of one year, renewable periodically, till the disposal of E.P.No.36 of 2019.

5. This Civil Miscellaneous is ordered on the above terms. No costs. Consequently, connected C.M.P.No.26563 of 2019 is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

(jas/aeb)

To :

The III Additional District Judge, Poonamallee,
Thiruvallur District.

+lcc to Mr.Vijaya ganesh , Advocate SR.No. 104959

C.M.A.No.4683 of 2019

A.SK(24/01/2020)