

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 25TH DAY OF SEPTEMBER 2020

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

A.NOS.424 AND 425 of 2020

IN

E.P.No.56 of 2019

M/S.RAAGA FOUNDATION PRIVATE LIMITED,
No.23/12, Desika Road,
Alwarpet, Chennai-600 004

..Decree Holder

-Vs-

1. Mr.CHANDRASEKARAN
No.851, Flat No.1B and 1C,
K.G.S. "Vrudh Apartments",
1st Floor, Kilpauk,
Chennai-600 010.

2.Mr.SANJEEV KUMAR
No.851, Flat No.1B and 1C,
K.G.S. "Vrudh Apartments",
1st Floor, Kilpauk,
Chennai-600 010.

3. Mr.S.C.VIJAYAKUMAR
No.851, Flat No.1B and 1C,
K.G.S. "Vrudh Apartments",
1st Floor, Kilpauk,
Chennai-600 010.

4. M/S.V.N.S. LEATHER EXPORTS PVT. LTD.,
No.851, Flat No.1B and 1C,
K.G.S. "Vrudh Apartments",
1st Floor, Kilpauk,
Chennai-600 010.

..Judgment Debtors

A.No.424 of 2020:

1. Mr.CHANDRASEKARAN
No.851, Flat No.1B and 1C,
K.G.S. “Vrudh Apartments”,
1st Floor, Kilpauk,
Chennai-600 010.

2.Mr.SANJEEV KUMAR
No.851, Flat No.1B and 1C,
K.G.S. “Vrudh Apartments”,
1st Floor, Kilpauk,
Chennai-600 010.

3. Mr.S.C.VIJAYAKUMAR
No.851, Flat No.1B and 1C,
K.G.S. “Vrudh Apartments”,
1st Floor, Kilpauk,
Chennai-600 010.

4. M/S.V.N.S. LEATHER EXPORTS PVT. LTD.,
No.851, Flat No.1B and 1C,
K.G.S. “Vrudh Apartments”,
1st Floor, Kilpauk,
Chennai-600 010.

..Applicants/Respondents
in both applications

-Vs-

M/s.Raga Foundation Private Limited,
No.23/12, Desika Road,
Alwarpet,
Chennai-600 004.

..Respondent/Petitioner
in both applications

A.No.424 of 2020:

This application praying that this Hon'ble court be pleased to stay

appeal against the order dated 21/01/2020 by the Learned Master, Hon'ble High Court, Madras.

A.No.425 of 2020:

This application praying that this Hon'ble court be pleased to set aside the order dated 20/01/2020 passed by the Learned Master in E.P.No.56 of 2019.

These Applications coming on this day before this court for hearing the court made the following order:

Two Applications are pending in the execution petition. Application No.424 of 2020 has been filed seeking to stay further proceedings in E.P.56 of 2019 and Application No.425 of 2020 has been filed to set aside the order dated 20.01.2020 passed by the learned Master.

2. On perusal of the records, it is seen that, by order dated 21.01.2020, the learned Master has recorded that there is no stay to proceed with the execution petition and that sufficient opportunity had already been granted to the judgement debtors to advance the arguments. It has also been stated that therefore, the execution petition is allowed and the decree holder was directed to let in evidence to prove the means of the judgment debtors.

3. In the applications filed, it is stated that further proceedings must be stayed because, the properties as disclosed in the affidavit have been encumbered to the Bank of India, to a private individual, to ASREC (India) Ltd., and that the bank accounts have a balance of Rs.10,000/- alone.

4. I find no justification to prevent the learned Master from recording evidence. If evidence is recorded by the learned Master, the present judgment debtors would always be given an opportunity to cross-examine the witnesses.

5. The learned counsel for the decree holder submits that the award itself is for more than two Crores and with interest the Award amount comes to more than Rs.5 crores and out of the same, Rs.25 lakhs alone has been paid.

6. The stage before the learned Master is only to record evidence and no further order has been passed by the learned Master. Therefore, the law Master shall continue with the proceedings and thereafter pass an order based on the evidence recorded.

7. Both sides are granted permission to adduce evidence and to exercise the right to cross-examine the other side witness.

8. Since no appealable order has been passed by the law Master and only directions to record evidence had been issued, both the applications are dismissed.

9. List the Execution Petition before the learned Master once again, and the Master may determine the date for continuation of cross examination of witnesses.

Sd/-C.V.K.J.
25.09.2020

//Certified to be a true copy//
Dated this the day of 2020.

S.U./30.09.2020

COURT OFFICER(O.S.)

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



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