

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

O.S.A.Nos.73 & 74 of 2019

Hardy Exploration & Production (India) Inc.
Having its office at
5th Floor, Westminster Building,
108, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

... Appellant
in both OSAs

Vs.

1.Samson Maritime Limited,
Having its registered office at,
No.7 Mb, P.T.Building,
Malet Bunder, Mumbar - 400 009.
Rep. by its Authorized Signatory
Kunal Trivedi

2.Kotak Mahindra Bank, Mount Road Branch,
No.185, Near TVS,
Anna Salai, Chennai - 600 006.

3.State Bank of India,
Egmore Branch,
Egmore, Chennai - 600 008.

... Respondent
in both OSAs

PRAYER : Appeals filed under Order XXXVI Rule 9 of O.S. Rules
r/w under Clause 15 of Letters Patent Act against the order
dated 11.03.2019 in A.Nos.3048 and 3049 of 2018 in E.P.No.11 and
12 of 2017.

Prayer in A: Application filed under Order XIV Rule 8 of the
original side Rules read with order 21 Rule 12 and 46A, 41(3) of
the code of Civil Procedure, 1908 praying the

i) Detain the authorised signatory of the Judgment Debtor Mr.
Sankalp Mitra in Civil Prison as mandated under Order 21 Rule 41
(3) of the code of Civil Procedure 1908 for concealing the
details of the bank accounts in the letter dated 06/05/2016 and
violating the order dated 27/04/2016. (in A.No. 3048/2018 &
A.No. 3049/2018)

For Appellant
(in both OSAs)

: Mr.Srinath Sridevan for
Mr.Rajmakesh

Mr.Dominic S.David for R1

For Respondent
(in both OSAs)

: Mr.Chevanan Mohan
for M/s.King & Partridge for R3

COMMON JUDGMENT
(Delivered by M.M.SUNDRESH, J)

These appeals are directed against the order dated 11.03.2019 made in A.Nos.3048 and 3049 of 2018 in E.P.Nos.11 and 12 of 2017.

2.When the matter is taken up for hearing today, it is submitted by the learned counsel appearing for the appellant that 18% of the decree amount has been paid and the remaining amount will also be paid as per the terms placed before the learned Single Judge.

3. The submission of the learned counsel appearing for the appellant is not disputed by the learned counsel appearing on behalf of the respondent.

4. In such view of the matter, we are of the view that there is no need for the order to arrest.

5. The Original Side Appeals stand allowed by setting aside the order of arrest passed by the learned Single Judge. However, we make it clear that in the event of non-compliance by the appellant, it is open to the respondents to make a mention and get the appeals restored. Consequently, the Registry is directed to return the passport to the learned counsel appearing for the appellant. No Costs. C.M.P.Nos.7042 & 7046 of 2019 are closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

Ssm

To

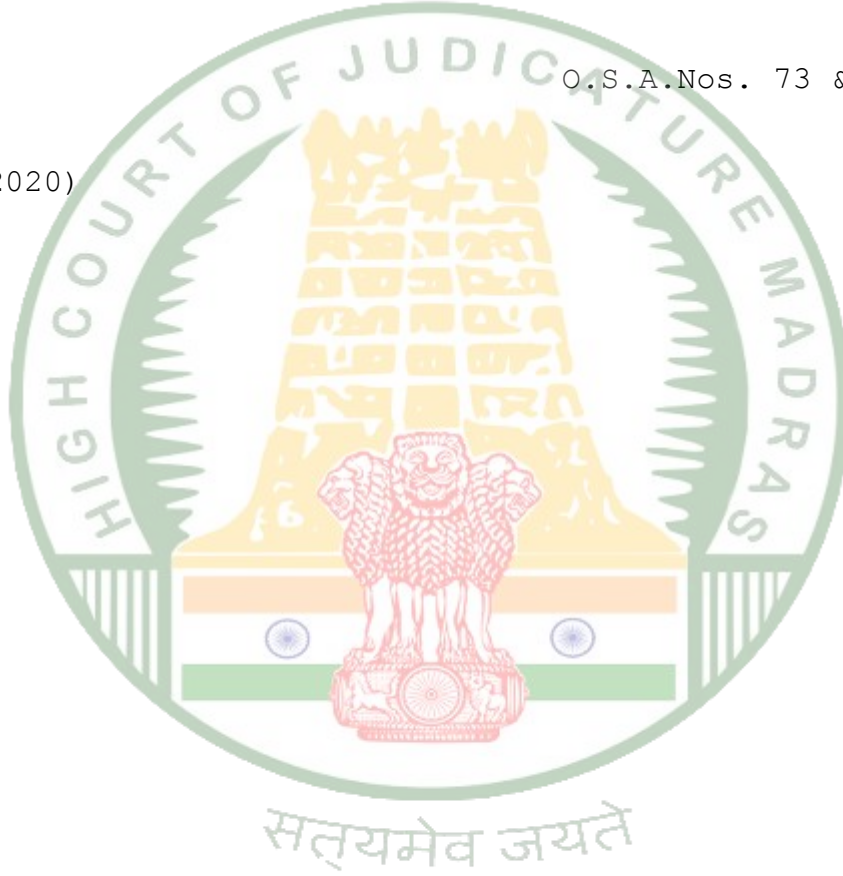
1.The Sub Assistant Registrar
Original Side
High Court, Madras.

2.The Registrar General,
High Court, Madras - 104.

+2cc to Mr.King & Partridge, Advocate, S.R.No. 12369 & 12370
+2cc to Mr.S.Rajmakesh, Advocate, S.R.No. 12364

O.S.A.Nos. 73 & 74 of 2019

NRL (CO)
GN (19/02/2020)



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