

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Application Nos.1625 to 1628 of 2020
in Application Nos.493 to 496 of 2020

M/s.Sundaram Finance Limited,
Having its Registered Office at
No.21, Patullos Road, Chennai - 600 002.
Rep. by its Senior Manager (Legal),
N.Madhusudhanan

.... Applicant
[in all Applications]

versus

1.M.Venkatachalam
S/o.M.Muthusamy

2.M/s.N.M.Transport,
A Partnership Firm carries on business at
No.17/2, 3rd Cross Street, Shastri Nagar,
Annathanapatti, Salem - 636 002.
Rep. by its Partner,
Thilagavathy Senthil Kumar

Respondents
[in all Applications]

Common Prayer: Applications filed under Order XIV Rule 8 of Original Side Rules read Order I Rule 10 of Code of Civil Procedure, 1908, to implead the second respondent herein as the second respondent in Application Nos.493 to 496 of 2020 and consequently, permit the applicant to amend the application.

For Applicant : Mr.R.Uma Shankar
[in all Applications]

For Respondent No.1 : Mr.R.Siddharth
[in all Applications]

For Respondent No.2 : Mr.M.Bhaskar
[in all Applications]

COMMON ORDER

These applications have been filed to implead the second respondent herein / proposed party, who is one of the partners of the firm.

2. The learned counsel appearing on behalf of the first respondent has no objection for the same and hence, these applications are ordered.

3. Mr.M.Bhaskar, learned counsel for the writ petitioner in W.P.No.7733 of 2020 [newly impleading party] submitted that in order to settle the dispute and also to run the partnership business, the Garnishee / Indian Oil Corporation Ltd. may be directed to release a sum of Rs.10,00,000/- [Rupees Ten Lakhs only] to the writ petitioner and the remaining amount may be paid towards the due payable to the applicant/Sundaram Finance Limited.

4. The Contention of Mr.M.Bhaskar, learned counsel for the writ petitioner in this regard is taken on record and Mr.R.Uma Shankar, learned counsel for the applicant/Sundaram Finance Limited has also no objection for receiving the said amount.

5. Mr.M.D.Fayas Ali, learned counsel for the first respondent/Garnishee/Indian Oil Corporation Limited in W.P.No.7733 of 2020, submitted that a sum of Rs.39.9 lakhs is lying with them.

6. In such view of the matter, the Garnishee/Indian Oil Corporation Limited, is directed to release a sum of Rs.29.9 lakhs towards the applicant/Sundaram Finance Limited and remaining sum of Rs.10,00,000/- [Rupees Ten Lakhs only] to the writ petitioner / newly impleading party herein.

7. The learned counsel for the first respondent in the main applications seeks eight (8) weeks time to settle the entire issue.

8. In such view of the matter, list the main applications i.e. A.Nos.493 to 496 of 2020 on 25.09.2020.

9. Since the physical presence of the learned counsel for the applicant is not permitted, Registry is directed to carry out the necessary amendment in the main applications. In the meanwhile, the learned counsel for the applicant is directed to file amendment applications.

17.08.2020

sri

N.SATHISH KUMAR, J.

sri



Application Nos.1625 to 1628 of 2020
in Application Nos.493 to 496 of 2020

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