

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 10TH DAY OF FEBRUARY 2020

THE HON'BLE MR. JUSTICE M.GOVINDARAJ

A. No.7808 of 2018

in

C.S. No.468 of 2011

M/s.Bekae Properties (P) Ltd.,
formerly known as Bekay Properties
(P) Ltd., rep. by its authorised
representative and Power of Attorney
Shri K.K.Govindamoorthy,
No.603, "Kesava", VI Floor,
Bandra Kurla Complex,
Bandra (East), Mumbai-400 051. ... Plaintiff

-Versus-

1. Kothari Industrial Corporation Ltd.,
rep. by its Managing Director,
2. Pradip D.Kothari,
Chairman & Managing Director,
Kothari Industrial Corporation Ltd.,
3. M/s.Indus Finance Corporation Ltd.,
(Formerly known as Subuthi Finance Ltd.),
rep. by its Director,
1 to 3 are at No.114,
"Kothari Buildings", Uttamar
Gandhi Salai, Nungambakkam,
Chennai-600 034.
4. HDFC Bank Ltd., rep. by its Branch
Head, "Mariam Centre", III Floor,
No.751-B, Anna Salai, Chennai
Pin-600 002.
5. Kotak Mahindra Bank Ltd.,
rep. by its Dy. Vice-President
No.39, Ceebros Chambers I Floor,
Montieth Road, Egmore,
Chennai-600 008.

6. Indowind Energy Ltd.,
rep. by its Director,

7. M/s.Deutsche Bank,
rep. by its Manager,
8. M/s.Kothari Petrochemical Ltd.,
rep. by its Director,
9. M/s.Century Foods (P) Ltd.,
rep. by its Director,
6 to 9 are at No.114,
"Kothari Buildings", Uttamar,
Gandhi Salai, Nungambakkam,
Chennai-600 034. ... Defendants

A. No.7808 of 2018:-

1. Kothari Industrial Corporation Ltd.,
Rep. by its Managing Director,
2. Pradip D.Kothari,
Chairman & Managing Director,
Kothari Industrial Corporation Ltd.,
1 & 2 are at No.114,
"Kothari Buildings",
Uttamar Gandhi Salai, Nungambakkam,
Chennai-600 034. ...Applicants/1st & 2nd Defendants

-Versus-

1. M/s.Bekae Properties (P) Ltd.,
formerly known as Bekey Properties (P) Ltd.,
Rep. by its authorised representative and
power of Attorney
Shri K.K.Govindamoorthy,
No.603, "Kesava", VI Floor,
Bandra Kurla Complex,
Bandra (East), Mumbai-400 051.

... 1st Respondent/Plaintiff

2. M/s.Indus Finance Corporation Ltd.,
rep. by its Director,
No.114, "Kothari Buildings",
Uttamar Gandhi Salai, Nungambakkam,
Chennai-600 034.
3. HDFC Bank Ltd., rep. by its Branch Head,
"Mariam Centre", IIIrd Floor,
No.751-B, Anna Salai, Chennai -600 002.
4. Kotak Mahindra Bank Ltd.
Rep.by its Vice President
No.99, Ceebros Chambers I Floor,
Montheith Road, Egmore,
Chennai- 600 008

5. Indowind Energy Ltd.
Rep.by its Director
No.114, "Kothari Buildings"
Uttamar Gandhi Salai, Nungambakkam,
Chennai- 600 034
 6. M/s.Deutsche Bank,
Rep.by its Manager,
No.114, "Kothari Buildings"
Uttamar Gandhi Salai, Nungambakkam,
Chennai- 600 034
 7. M/s.Kothari Petrochemicals Ltd.
Rep.by its Director
No.114, "Kothari Buildings"
Uttamar Gandhi Salai, Nungambakkam,
Chennai- 600 034
 8. M/s.Century Foods Pvt.Ltd
Rep. By its Director
No.114, "Kothari Buildings"
Uttamar Gandhi Salai, Nungambakkam,
Chennai- 600 034
- ..Respondents/Defendants

Application praying that this Hon'ble Court be pleased to pass an order permitting the applicants herein to withdraw Rs.2,42,08,127/- (Rupees two crore forty two lakhs eight thousand one hundred and twenty seven only) deposited to the credit of C.S.No.468 of 2011 before this Hon'ble Court.

This Application coming on this day before this Court for hearing, the Court made the following order:

When the matter is taken up for hearing today, the learned counsel for the applicant requested that the cheque may be issued in favour of the 1st applicant.

2. It is seen that the application is ordered

before the Registry. The 1st applicant is the Company, the 2nd applicant is the Chairman and Managing Director of the Company. Therefore, it goes without saying both of them constitute one and the same person and the cheque may be issued in the name of 1st applicant / company. The applicant is directed to file appropriate application for payment out.

Sd./-M.G.R.J.

10.02.2020

//Certified to be true copy//

Dated at Madras this the day of 2020.

jj 11/02/2020

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

सत्यमेव जयते

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