



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 02ND DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE R. SUBRAMANIAN

C.S.No. 11 of 2003

and

O.A.No. 27 of 2003

and

A.No. 112 of 2003

Agri Development Finance
(Tamil Nadu) Limited.,
Rep.by its Vice-President
Mr. Mohan Ganesh,
3rd Floor, Nabard Regional Office Building,
No.48, Mahatma Gandhi Road,
Nungambakkam, Chennai – 34.

... Plaintiff/Applicant
(in all the applications)

-Vs-

1. M/s. Capsein Bio-Lab Limited.,
114 & 115, Karunagaracheri Village,
Madhurantakam Taluk,
Kancheepuram District.
2. Mr. J. Laxminarayanan,
Chairman and Managing Director,
M/s. Capsein Bio Lab Ltd.,
No.10, Krishnapuri,
R.A.Puram, Chennai – 600 028.
3. Mr. M.S. Chandramouli, Director,
M/s. Capsein Bio-Lab Limited.,
Flat No.E-8, “Sudharma”,
Secretariat Colony,
Kilpauk, Chennai – 600 010.



4. Mr. E.G. Jagannath, Director,
M/s. Capsein Bio-Lab Limited.,
A-66, 31-A Cross,
7th Block, Jayanagar,
Bangalore – 560 082.

5. The Manager,
Dena Bank,
Nungambakkam Br.
Chennai – 34.

... Defendants/Respondents
(in all the applications)

C.S.No. 11 of 2003 :-

Civil suit praying that this Hon'ble Court be pleased to pass a
Judgment and decree :

a) Pass a Judgement and Decree directing the defendants to pay jointly and severally a sum of Rs.1,83,47,587/- together with interest at the rate of 19.61% per annum on Rs.70,00,000/- (excluding interest tax) from the date of this suit, till the date of repayment.

b) In default, the properties mentioned in Schedule-A, Schedule-B and Schedule-C to be sold and the proceeds (after defraying the expenses of the sale) applied in and towards the payment of the amount of the said principal and interest and costs.

c) That, if such proceeds shall not be sufficient for the payment in full and such amount the defendants 2 to 4 may be ordered personally to pay to the Plaintiff the amount of deficiency with interest thereon at the rate of 19.61% per annum until realisation.



d) Directing the Defendants to pay the costs of the suit.

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O.A.No. 27 of 2003 :-

Original Application praying that this Hon'ble Court be pleased to grant an interim injunction restraining the respondents from alienating the properties mortgaged to the applicant herein more specifically mentioned in the Schedule hereunder pending disposal of the suit.

A.No. 112 of 2003 :-

Application praying that this Hon'ble Court be pleased to appoint an Advocate Commissioner to seize and sell the hypothecated materials mentioned in Schedule-C after taking an inventory, by calling for sealed tenders through public auction and credit the sale proceeds to the credit of the suit account, after defraying the expenses of the sale.

This Civil Suit along with these applications coming on this day before this Court for hearing in the presence of Ms.Anbarasi Rajendran, For M/s. Anand, Abdul & Vinodh Associates, Advocates for the Plaintiff in C.S.No. 11 of 2003 and for the Applicant in O.A.No. 27 of 2003 and A.No.112 of 2003 and M/s. S.B.S. Raman and Associates, Advocates for



in O.A.No. 27 of 2003 and A.No. 112 of 2003 and Mr.A.Narayanan, Advocate for the 3rd defendant in C.S.No. 11 of 2003 and for the 3rd respondent in O.A.No. 27 of 2003 and A.No. 112 of 2003 and Mr.Marappan, For Mr.G.R.Lakshmanan, Advocates for the 5th defendant in C.S.No. 11 of 2003 and for the 5th respondent in O.A.No. 27 of 2003 and A.No. 112 of 2003 and the 4th defendant / 4th respondent herein not appearing in person or by advocate and upon reading the plaint filed in C.S.No. 11 of 2003 and the Judges Summons and the Affidavit of Mohan Ganesh filed in O.A.No. 27 of 2003 and the Judges Summons and the Affidavit of Mohan Ganesh, filed A.No. 112 of 2003 and the memo dated 18/03/2022 filed herein, disclosing the current name of the plaintiff and the learned counsel for the Plaintiff having submitted that the suit itself has been settled out of Court and seeks permission to withdraw the suit and doth recording the said statement and, **it is ordered as follows:-**

That the Suit in C.S.No. 11 of 2003 be and is hereby dismissed as settled out of Court.

2. That a certificate Under Section 69 of The Tamil Nadu Court Fees and Suits Valuation Act XIV of 1955 (Amended Act), do issue herein, out of and under the seal of this Court in favour of M/s.Nabkisan Finance



Limited., the plaintiff herein, authorising them to receive from the Pay and Accounts Office, High Court, Chennai, a sum of Rs.1,87,003/- (Rupees One Lakhs Eighty Seven Thousand Three only) being the entire Court fee paid on the plaint by the plaintiff herein.

3. That these O.A.No. 27 of 2003 and A.No. 112 of 2003 do stand closed.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
02ND DAY OF SEPTEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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



ED
25.03.2022
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6

C.S.No. 11 of 2003
and
O.A.No. 27 of 2003
and
A.No. 112 of 2003

ORDER :

DATED : 02/09/2021

THE HON'BLE MR. JUSTICE
R. SUBRAMANIAN

FOR APPROVAL: 25.03.2022

APPROVED ON : 29.03.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.11 of 2013**and****A.No.112 of 2003 & O.A.No.27 of 2003**

Agri Development Finance (Tamil Nadu) Limited,
Rep. By its Vice-President, Mr.Mohan Ganesh,
3rd Floor, NABARD Regional Office Building,
No.48, Mahatma Gandhi Road,
Nungambakkam, Chennai – 34.

...Plaintiff

Vs.

1.M/s.Capsein Bio-Lab Limited,
114 & 115, Karunagaracheri Village,
Madhurantakam Taluk,
Kancheepuram District.

2.Mr.J.Laxminarayanan,
Chairman and Managing Director,
M/s.Capsein Bio-Lab Ltd.,
No.10, Krishnapuri, R.A.Puram,
Chennai – 600 028.

3.Mr.M.S.Chandramouli, Director,
M/s.Capsein Bio-Lab Limited,
Flat No.E-8, “Sudharma”,
Secretariat Colony, Kilpauk,
Chennai – 600 010.

4.Mr.E.G.Jagannath, Director,
M/s.Capsein Bio-Lab Limited,
A-66, 31-A Cross,



7th Block, Jayanagar,
Bangalore – 560 082.

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5. The Manager, Dena Bank,
Nungambakkam Branch,
Chennai.

...Defendants

Prayer: Plaintiff filed under Order XXXIV Rule 1 C.P.C., r/w. Order XXXVII

Rule 1 of the Original Side Rules, praying as follows:-

a) pass a judgment and decree directing the defendnats to pay jointly and severally a sum of Rs.1,83,47,587/- together with interest at the rate of 19.61% per annum on, Rs.70,00,000/- (excluding interest tax) from the date of this suit till the date of repayment.

b) In default, the properties mentioned in Schedule-A, Schedule-B and Schedule-C to be sold and the proceeds (after defraying the expenses of the sale) applied in and towards the payment of the amount of the said principal and interest and costs.

c) That, if such proceeds shall not be sufficient for the payment in full the defendants 2 to 4 may be ordered to pay to the plaintiff, the amount of deficiency with interest thereon at the rate of 19.61% per annum until realisation.

d) directing the defendants to pay the costs of the suit.



For Plaintiff : Ms.Anbarasi Rajendran
for M/s.Anand, Abdul & Vinodh

For Defendants : M/s.S.B.S.Raman and Associates
for D1 & D2
Mr.A.Narayanan for D3
Mr.Marappan for
Mr.G.R.Lakshmanan for D5
D4 – No Appearance

J U D G M E N T

Ms.Anbarasi Rajendran representing M/s.Anand, Abdul & Vinoth, learned counsel for the plaintiff would submit that the suit itself has been settled out of Court and seeks permission to withdraw the suit.

2. The said statement of the learned counsel is recorded and this suit is dismissed as settled out of Court. Consequently, connected applications are closed.

3. The Registry is directed to refund the entire Court fee paid on the plaint by issuing a cheque, may be in the current name of the plaintiff.



4. The learned counsel for the plaintiff to file a memo disclosing the current name of the plaintiff.

List of witness and documents marked on the side of the plaintiff:

Nil

List of witness and documents filed on the side of the defendants:

Nil

Sd./- R.S.M.J.
02.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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