

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.03.2021
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MS.JUSTICE R.N.MANJULA

O.S.A.No.216 of 2020
and
C.M.P.No.10801 of 2020

M/s.M.J.D.Construction & Engineering
Contractors Pvt. Ltd.,
M.J.Bhavankannummamoodu,
Palukal Post-629 170,
Kanyakumari District,
Tamil Nadu-629 170.

.. Appellant

-vs-

1.M/s.P.K.Vaduvammal,
A Registered Partnership Firm,
Rep., by its Partner
Mr.P.C.Shyamsunder,
New No.97, Old No.143A,
Rasappa Chetty Street,
Kanyakumari District,
Tamil Nadu-629 170.

2.National High Wing,
III Floor, Integrated CEs' Office,
76, Sardar Patel Road,
Guindy, Chennai-600 025.

3.Divisional Engineer,
National Highway,
No.75, Raman Pillai Street,
Opp. Lakshman Mahal,
Nagercoil-629 001.

4.The Pay and Account Officer,
National Highway,
Ministry of Road Transport and Highway,
2nd Floor, Chief Engineer Building,
Errummanzil Colony, Hyderabad.

5.Divisional Engineer,
Construction and Maintenance,
PWD Compound,
Veppamoodu Junction,
Nagercoil-629 001.

.. Respondents

[RR2 to 5 are impleaded as proposed respondents vide Order dated 19.11.2020 in C.M.P.Nos.12686 & 12683/2020 in O.S.A.No.216/2020]

Appeal under Order XXXVI, Rule 1 of Original Side Rules read with Clause 15 of Letters Patent against the fair and decretal order dated 14.08.2020 made in OA.No.1577 of 2020 in C.S.No.170 of 2020.

Prayer in OA.No.1577 of 2020 :

It is therefore prayed this Hon'ble Court may be pleased order pro-order, Prohibitory Respondent No.2 and 3/Garishree from paying the amount to the 1st Respondent/defendant to the extent of the Suit claim that is Rs.2,43,00,000/- (Rs.Two crores Forty Three Lakhs Only) and Consequently direct the Respondent No.2 and 3/Garnishree to deposit the amount payable to the deposit the amount payable to the extent of the Suit Claim, that is due of the application in the above suit, pending the disposal of the Suit.

Prayer in C.S.No.170 of 2020:

To direct the Defendant to pay to the Plaintiff a sum of Rs.2,43,00,000/- (Rupees Two Crores Forty Three Lakhs only) together with interest at 18 percent p.a on Rs.2,43,00,000/- (Rs.Two crores Forty Three Lakhs Only) from the date of plaint till date of realization of the entire suit claim.

For Appellant : Mr.B.Om Prakash,
Senior Counsel
for Ms.Meghana Nair

For Respondents: R1 - Mr.S.R.Raghunathan
: RR2 to 5 - Mr.Y.T.Aravind Ghose

सत्यमेव जयते

JUDGMENT

(Judgment of the Court was delivered by T.S.Sivagnanam, J.)

This appeal has been filed by the appellant/plaintiff challenging the order dated 14.08.2020, made in A.No.1577 of 2020 in C.S.No.170 of 2020.

2.The said order is a garnishee order directing the Garnishees to deposit certain monies to the credit of the suit. The amount has already been deposited by the Garnishees and we are informed by the learned Senior Counsel for the appellant that the learned Single Bench has also closed the garnishee application.

3.Mr.S.R.Raghunathan, learned counsel appearing for the first respondent/plaintiff would submit that the monies may be directed to be paid to the first respondent.

4.Since this appeal is against an order of garnishee order, we may not be justified in passing any direction in this appeal, more particularly when the learned Single Bench had already closed the garnishee application. Therefore, we grant liberty to the respondents to move the learned Single Bench for payment.

5.With the above observation and liberty, this appeal stands closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS IX)

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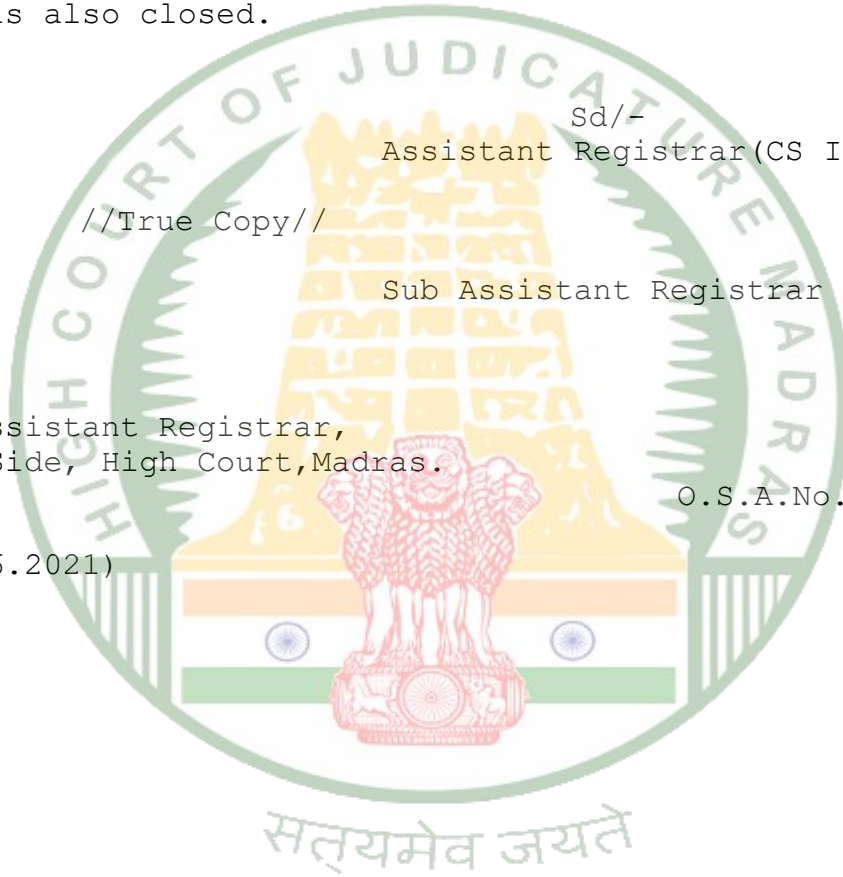
Sub Assistant Registrar

abr
To

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

O.S.A.No.216 of 2020

ss (CO)
A.SK(17.06.2021)



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