



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 23RD DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

Arb. Appln. 253 of 2021

in

A. No.8388 of 2018

In the matter of Arbitration and
Conciliation Act 1996

and

In the matter of disputes arising
under the sale agreement dated
11.5.2013.

M/s.Jeni Construction Private Limited,
Represented by its Managing Director,
T.Benjamin Rajan,
Plot No.86, Ganesh Nagar Main Road,
Selaiyur, Chennai 600 073.

: Applicant
in both Applications

Vs.

1. Mrs.Santhamma Ittycheria,
W/o. P.K.Ittycheria,
Presently at
C/o.Jacob Cherian,
No.7, 2nd Floor,
Alavattamman Koil Street,
Rajakilpakkam, Chennai 73.

...1st Respondent
in both Applications

2. Catholic Syrian Bank Ltd,
Rep.by its Manager,
Zonal Office
Rani Seethai Hall,



7th Floor, 603 Anna Salai,
Chennai 6.

Also at
Guindy Branch
AMG Towers, No.28,
Lawyer Jagannathan Street,
Alandur, Guindy, Chennai 32.

:2nd Respondent/Garnishee
in both Applications

Arb. Appln. 253 of 2021:-

Arbitration Application praying that this Hon'ble Court be pleased to permit the applicant to withdraw the sum of Rs.9,49,230/- (Rupees Nine Lakhs forty Nine Thousand Two Hundred and Thirty only) deposited by the Garnishee to the credit of O.P.NO.863 of 2016 with accrued interest.

This Arbitration Application coming on this day before this court for hearing through video conferencing in the presence of Mr.S.Ramesh, Advocate for the Applicant herein, and the respondent herein not appearing in person or by advocate and upon reading the Judges Summons and the Affidavit of Mr.T.Benjamin Rajan filed herein and the order dated 01.10.2020 made in A.No. 8388 of 2018 and, it is ordered as follows:-

That the Manager, Reserve Bank of India, do with the Privity of the Registrar General of this Court encash the security viz., the fixed deposit for a sum of Rs.9,49,230/- (Rupees Nine lakhs Forty Nine thousand Two hundred Thirty only) in Indian Bank, Madras High Court Branch, Chennai



863 of 2016 on the file of the High Court, Madras-104. Pay to M/s. Jeni Constructions Private Limited, rep. By its Managing Director, T.Benjamin Rajan, the applicant herein, the realisation thereof, less Government commission and Audit fees on accrued interest and issue a cheque therefor in their favour, on obtaining an undertaking to redeposit the amount as and when required by this Court.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
23RD DAY OF SEPTEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (Comm. Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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



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Arb. Appln. 253 of 2021
in
A. No.8388 of 2018

ORDER :-
DATED :23.09.2021

THE HON'BLE MR.JUSTICE
N.SATHISH KUMAR

FOR APPROVAL:12/11/2021

APPROVED ON: 15/11/2021

Copy to:-

1.The Registrar General,
High Court, Madras.

2. Accounts Section



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Arb.Appln. No.253 of 2021

M/s. Jeni Constructions Private Limited
rep. By its Managing Director ,
T.Benjamin Rajan,
plot No.86, Ganesh Nagar Main Road,
Selaiyur. ... Applicant

..Vs..

1.Santhamma Ittycheria
W/o. P.K.Ittycheria

2. Catholic Syrian Bank Ltd,
Rep by its Manager,
Zonal Office, Rani Seethai Hall,
7th Floor, 603 Anna Salai,
Chennai 6.
Also at
Guindy Branch
AMG Towers, No 28, Lawyer Jagannathan Street,
Alandur, Guindy, Chennai 32. ... Respondents

PRAYER : Arbitration Application filed under Order XIV Rule 8 of the
O.S Rules R/W Section 151 of C.P.C, praying to permit the applicant to
withdraw the sum of Rs.9,49,230/-(Rupees Nine Lakhs Forty Nine
Thousand Two Hundred and thirty only) deposited by the Garnishee to the
credit of O.P.No.863 of 2016 with accrued interest.



For Respondents : No appearance

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ORDER

(This case has been heard through video conference)

This Application has been filed to permit the applicant to withdraw the sum of Rs.9,49,230/- (Rupees nine lakhs forty nine thousand two hundred and thirty only), which was deposited in pursuant to the order of this Court by an order dated 01.10.2020.

2. In the earlier occasion, when the order was passed, the 1st respondent remain exparte and the excess amount lying with the bank was ordered to be deposited before this Court. In the said order, this Court also permitted the applicant to file an application to withdraw the amount, for which, the 1st respondent has not raised any objection in the earlier occasion. Accordingly, this application is ordered and the applicant is permitted to withdraw the amount of Rs.9,49,230/- (Rupees nine lakhs forty nine thousand two hundred thirty only) deposited by the Garnishee to the credit of O.P.No.863 2016 along with accrued interest on giving undertaking to redeposit the amount as and when required by this Court.

Sd./- N.S.K.J
23.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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