



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 3RD DAY OF JUNE 2021

THE HON'BLE MR. JUSTICE R. SUBRAMANIAN

C.S. No.400 of 2020
and
A.Nos. 3231, 3232 of 2020
and
A.No. 724 of 2021

KEPL Engineering Private Limited,
Represented By its Managing Director,
Having its registered office at
No.11, West Club Road,
Shenoy Nagar, Chennai 600 030.

... Plaintiff /Applicant in
A.No. 3231 of 2020

Versus

1. Glory Industrial Constructions Private Limited,
Old No.319, New No.2/49,
2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.

2. Hong Sa Woong
Director
Glory Industrial Constructions Private Limited,
Old No.319, New No.2/49,
2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.

3. Kim Jebang
Director
Glory Industrial Constructions Private Limited,
Old No.319, New No.2/49,
2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.



4. Kim Jehyeong

Director

Glory Industrial Constructions Private Limited,
Old No.319, New No.2/49,
2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.

... Defendants / Respondents in
A.No. 3231 of 2020

Civil suit praying that this Hon'ble Court be pleased to pass a judgment and decree against all the Defendants herein and direct all the Defendants to pay jointly and severally to the Plaintiff as follows:

a) a sum of Rs.6,27,82,709/- (Rupees Six Crores Twenty Seven lakhs eighty two thousand seven hundred and nine only) along with interest at the rate of 18% per annum on Rs.5,02,71,755/- from the date of plaint till the date of realization in full;

b) the costs of the suit.

A.No. 3231 of 2020:-

Application praying that this Hon'ble Court be pleased to pass an order directing the Respondents/Defendants to furnish security to the tune of Rs.6,27,82,709/- (Rupees six Crores Twenty Seven Lakhs Eighty Two Thousand Seven Hundred and Nine Only) together with interest at the rate of 18% p.a. from the date of plaint till the date of realization in such form as may be decided by this Honble court, pending disposal of the above suit.



WEB COPY **A.No. 3232 of 2020:-**

KEPL Engineering Private Limited,
Represented By its Managing Director,
Having its registered office at
No.11, West Club Road,
Shenoy Nagar, Chennai 600 030.

...Applicant

Versus

1. Glory Industrial Constructions Private Limited,
Old No.319, New No.2/49,
2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.
2. Hong Sa Woong
Director
Glory Industrial Constructions Private Limited,
Old No.319, New No.2/49,
2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.
3. Kim Jebang
Director
Glory Industrial Constructions Private Limited,
Old No.319, New No.2/49,
2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.
4. Kim Jehyeong
Director
Glory Industrial Constructions Private Limited,
Old No.319, New No.2/49,
2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.
5. Daechang Seat Automative Private Limited
Having its registered office at
Plot No.6D Industrial Park IP Gudipalli,
Anantapur Gudipalli,



Anantapur 515 122, Andhra Pradesh.

6. DR Axion India Private Limited

Having its registered office at
No.7, Othappai Village, Uthukkottai,
Thiruvallur 602023 Tamil Nadu.

7. Inzi Controls India Limited

Having its registered office at
S.No.72 Bangalore Highway,
Irrungattikottai Village,
Sriperumbudur 602 105, Tamil Nadu.

8. Pos Hyundai Steel Manufacturing India Private Limited

Having its registered office at
F.70 Sipcot Industrial Parkirungattukottai,
NH 4 Bangalore High Way,
Sriperumbudur,
Kancheepuram 602 105, Tamilnadu.

9. YJ Polytec Private Limited

Having its registered office at
Survey No.42/1, 43/1, 43/2, 43/3, 43/4b
Sogandi Village, Madhuramangalam Road,
Sunguvarchatram, Sriperumbudur,
Kancheepuram, 602 106, Tamilnadu.

10. Kli Engineering India Private Limited

Having its registered office at
Old No.319, New NO.2/49,
2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.

... Respondents /
Garnishees

Application praying that this Hon'ble Court be pleased to pass a pro
order prohibiting the Fifth to Tenth Respondents / Garnishees from making
any payment to the extent of Rs.6,27,82,709/- (Rupees Six Crores Twenty



other amounts due to the first to fourth Respondents/Defendants more specifically the First Respondent / Defendant and to deposit such amounts to the credit of this suit account before this Honble court pending disposal of the suit.

A.No. 724 of 2021:-

DR Axion India Private Limited
Having its registered office at
No.7, Othappai Village, Uthukkotai,
Thiruvallur 602023 Tamil Nadu.

... Applicant / 6th Respondent /
Third Party

Vs.

1. KEPL Engineering Private Limited,
Represented By its Managing Director,
Having its registered office at
No.11, West Club Road,
Shenoy Nagar, Chennai 600 030.

... 1st Respondent / Applicant /
Plaintiff

2. Glory Industrial Constructions Private Limited,
Old No.319, New No.2/49,
2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.

3. Hong Sa Woong
Director
Glory Industrial Constructions Private Limited,
Old No.319, New No.2/49,
2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.

4. Kim Jebang
Director
Glory Industrial Constructions Private Limited,
Old No.319, New No.2/49,
2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.



5. Kim Jehyeong

Director

Glory Industrial Constructions Private Limited,

Old No.319, New No.2/49,

2nd Floor, Mount Poonamallee High Road,Kattupakkam, Chennai 600 056. ...2nd to 5th Respondents / 1st to 4thRespondents / 1st to 4th Defendants

6. Daechang Seat Automative Private Limited

Having its registered office at

Plot No.6D Industrial Park IP Gudipalli,

Anantapur Gudipalli,

Anantapur 515 122, Andhra Pradesh.

...6th Respondent / 5th

Respondent / Third Party

7. Inzi Controls India Limited

Having its registered office at

S.No.72 Bangalore Highway,

Irrungattikottai Village,

Sriperumbudur 602 105, Tamil Nadu.

8. Pos Hyundai Steel Manufacturing India Private Limited

Having its registered office at

F.70 Sipcot Industrial Parkirungattukottai,

NH 4 Bangalore High Way,

Sriperumbudur,

Kancheepuram 602 105, Tamilnadu.

9. YJ Polytec Private Limited

Having its registered office at

Survey No.42/1, 43/1, 43/2, 43/3, 43/4b

Sogandi Village, Madhuramangalam Road,

Sunguvarchatram, Sriperumbudur,

Kancheepuram, 602 106, Tamilnadu.

10. Kli Engineering India Private Limited

Having its registered office at

Old No.319, New NO.2/49,

2nd Floor, Mount Poonamallee High Road,Kattupakkam, Chennai 600 056. ...7th to 10th Respondents / 7th to 10th

Respondents / Third Party



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Application praying that this Hon'ble Court be pleased to modify the order dated 08/02/2021 passed by this Honble court in A.NO.3232 of 2020 in C.S.NO.400 of 2020 insofar as the Applicant herein is concerned and permit the Applicant herein to deposit a sum of Rs.73,95,431/- (rupees Seventy Three Lakhs Ninety Five Thousand four hundred and thirty one only) to the credit of the suit for the reasons stated in the above application.

This suit along with these applications coming on this day before this Court for hearing in the presence of Ms.V.Aishwarya for M/s.R & P Partners, Advocates for the plaintiff in C.S. No.400 of 2020 and for the applicant in A.Nos. 3231 and 3232 of 2020 and for the 1st respondent in A.No. 724 of 2021 and Mr. T.R.Prabakaran, Advocate for the defendants in C.S. No.400 of 2020 and for the respondents in A.Nos. 3231 and 3232 of 2020 and for the respondents 2 to 5 in A.No. 724 of 2021 and Mr. N. Murali, Advocate for the Applicant / 3rd party in A.No. 724 of 2021 and upon reading the plaint filed in C.S. No.400 of 2020 and the judge's summons and the affidavit of C. Dharmalingam filed in A.No. 3231 of 2020 and the judge's summons and the affidavit of Heejin Cho filed in A.No. 724 of 2021 and the common counter affidavit of C. Dharmalingam filed in A.Nos. 724 and 725 of 2021 and the order dated 08.02.2021 made in A.No.



02.06.2021 stating that the suit has been settled out of Court and seeking permission to withdraw the suit, and this Court doth recording the same, it is ordered as follows:

That the suit in C.S.No. 400 of 2020 be and is hereby dismissed as settled out of Court.

2. That the Registrar General of this Court, pay (a) a sum of Rs.29,96,210/- (Rupees Twenty Nine Lakhs Ninety Six Thousand Two Hundred and Ten only) now in Court deposit standing to the credit of in C.S.No. 400 of 2020 to YJ Polytec Private Limited, the 9th Respondent / Garnishee in A.No. 3232 of 2020 and (b) a sum of Rs.73,95,431/- (Rupees Seventy Three Lakhs Ninety Five Thousand Four Hundred and Thirty One Only) now in Court deposit standing to the credit of in C.S.No. 400 of 2020 to DR Axion India Private Limited, the 6th Respondent / Garnishee in A.No. 3232 of 2020, and to issue cheque therefore in their favour.

3. That a certificate under section 69 of Tamil Nadu Court Fees and Suit Valuation Act XIV of 1955, do issue herein, out of and under the seal of this court, in favour of M/s. R&P Partners, the counsel for plaintiff herein, authorising them, to receive from the Pay and Accounts Office, High Court, Madras, a sum of Rs.6,31,352/- (Rupees Six Lakhs Thirty One Thousand Three Hundred and Fifty Two Only) being the entire Court fee



4. That these A.Nos. 3231 and 3232 of 2020 and 725 of 2021 do stand closed.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
3RD DAY OF JUNE 2021.

Sd/-

ASSISTANT REGISTRAR (O.S. I)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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24/05/2021

10

C.S. No.400 of 2020
and
A.Nos. 3231 & 3232 of 2020
and
A.No. 724 of 2021

ORDER

DATED : 03.06.2021

THE HON'BLE MR.JUSTICE
R. SUBRAMANIAN

FOR APPROVAL: 13/07/2021

APPROVED ON: 13/07/2021

Copy To:-

- 1) The Registrar General,
High Court, Madras.
- 2) The Accounts Office.



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11

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.400 of 2020
and Appl. Nos.3231, 3232 of 2020 and 724 of 2021

KEPL Engineering Private Limited,
Rep. By its Managing Director,
Having its registered office at
No.11, West Club Road,
Shenoy Nagar, Chennai 600 030.
Plaintiff

...

Versus

1. Glory Industrial Constructions Private Limited,
Old No.319, New No.2/49,
2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.
2. Hong Sa Woong
Director
Glory Industrial Constructions Private Limited,
Old No.319, New No.2/49,
2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.
3. Kim Jebang
Director
Glory Industrial Constructions Private Limited,
Old No.319, New No.2/49,
2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.
4. Kim Jehyeong
Director
Glory Industrial Constructions Private Limited,
Old No.319, New No.2/49,



2nd Floor, Mount Poonamallee High Road,
Kattupakkam, Chennai 600 056.

... Defendants

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Plaint filed under Order VII Rule 1 of the Code of Civil Procedure, 1908 and Order IV, Rule 1 of the Original Side Rules, praying to pass a judgment and decree:-

- a) a sum of Rs.6,27,82,709/- (Rupees Six Crores Twenty Seven lakhs eighty two thousand seven hundred and nine only) along with pendent lite and future interest at the rate of 18% per annum on Rs.5,02,71,755/- from the date of plaint till the date of realization in full;
- b) the costs of the suit.

For Plaintiff : Mr.V.Aishwarya
for M/s.R & P Partners

For Defendants : Mr.T.R.Prabakaran

J U D G M E N T

The counsel for the plaintiff has filed a Memo stating that the suit has been settled out of Court and seeking permission to withdraw the suit. The Memo is recorded, the suit is dismissed as settled out of Court.

2. In view of Section 69(A) of the Tamil Nadu Court Fees and Suits Valuation Act, the Registry is directed to refund the entire Court Fee paid on the plaint to the counsel for the plaintiff. It is also stated that two of the Garnishees have deposited certain amounts pursuant to the orders passed in Application No.3232 of 2020. The Registry is also directed to payout the



amounts deposited by the Garnishees to them without insisting on any application for that purpose. Consequently, the connected miscellaneous applications are closed.

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

03/06/2021

//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.

List of the witnesses examined on the side of the plaintiffs: Nil.

List of Exhibits marked on the side of the plaintiffs: Nil.

List of the witnesses examined on the side of the defendants: Nil.

List of Exhibits marked on the side of the defendants: Nil.

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

03/06/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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