

A.No.3282 of 2020
in
C.S.(Comm.Div.) No.148 of 2020

C.V.KARTHIKEYAN,J.

This Application has been filed by the Power of Attorney Agent / Authorized Signatory of the Plaintiff seeking a direction for payment out of a sum Rs.20,00,000/- which is now lying to the credit of the suit in C.S.(Comm.Div.)No.148 of 2020. The deponent of the affidavit has further sought a direction to issue the cheque in his favour, in his capacity as Power of Attorney Agent as the Plaintiff.

2.The Joint Registrar of the Original Side of this Court has also given a certificate dated 23.11.2020 that a sum of Rs.20,00,000/- is standing to the credit of the suit in C.S.(Comm.Div.)No.148 of 2020 without bearing any interest.

3.The necessity for this Application for payment out arose owing to the fact that the Plaintiff had deposited a sum of Rs.10,00,000/- to the credit of the suit and thereafter, had deposited a further sum of Rs.10,00,000/- to the credit of the suit by orders of Court. In effect, the Plaintiff had deposited a total sum of Rs.20,00,000/- to the credit of the suit in C.S.(Comm.Div.)No.148 of 2020, in view of the contentions raised by the 3rd Defendant who claimed that amount by way of detention charges.

4.Now an affidavit had been filed on behalf of the 3rd Defendant Company, which has been sworn by J.Narayanan / Authorised Signatory of the 3rd Defendant and in his affidavit, he had stated as follows:

“4.It is submitted that this Defendant has already issued Delivery Orders in compliance of the direction issued by this Hon'ble Court and the Plaintiff has also cleared the goods. It is further submitted that this Defendant does not have any objection in present application filed by the Plaintiff being allowed.”

5.Heard Mr.E.Om Prakash, learned Senior Counsel appearing for the Applicant / Plaintiff and Mr.S.Santhosh, learned counsel appearing for the 3rd Defendant.

6.The learned Senior Counsel appearing for the Applicant / Plaintiff drew the attention of this Court to the fact that the amount had been deposited, pursuant to the claim of the 3rd Defendant and stated that the 3rd Defendant had not raised objection for withdrawal of the amount of Rs.20,00,000/-, which was after all, deposited by the Plaintiff.

7.Mr.S.Santhosh learned counsel appearing for the 3rd Defendant also affirmed the affidavit filed by Mr.J.Narayanan / Authorised Signatory of the 3rd Defendant. The relevant portions of affidavit had been extracted above.

8.In view of the above facts, this Application is allowed and the Registry is directed to issue a cheque, after completing necessary formalities in accordance with the rules, in favour of Mr.P.Barathiraj, Power of Attorney Agent of the Plaintiff for the sum of Rs.20,00,000/- which is now lying in the credit of the present suit in C.S.(Comm.Div.)No.148 of 2020 on necessary undertaking and identification. The Registry may complete the necessary formalities at the earliest.

19.01.2021
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