



C.S.No.836 of 2003  
(Comm.Suit)

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated : 24.01.2022

Coram:

**THE HONOURABLE MR JUSTICE N.ANAND VEKATESH**

**Civil Suit No.836 of 2003**

**(Comm.Suit)**

**and**

**A.No.3989 of 2021**

M/s.Anand Transport Private Limited,  
Represented by its Director,  
Mr.M.Joseph Anand,  
No.1, 9th Street, Dr.Radhakrishnan Salai,  
Chennai 600 004.

.. Plaintiff

.vs.

SICAL Logistics Limited,  
Represented by  
Mr.S.Lakshmi Subramanian,  
Interim Resolution Professional,  
S2, R.S.R.Plaza,  
50-51, Arcot Road,  
Saligramam,  
Chennai 600 093.

..Defendant

[Amended as per order dated  
30.11.2021 in A.No.4185 of  
2021]



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Prayer: Civil Suit has been filed under Order VII Rule 1 of Code of Civil Procedure, 1908 read with Order IV Rule 1 O.S.Rules of Madras High Court, pleased to grant a judgment and decree on the following terms:-

a) For a sum of Rs.9,04,69,100/- (Rupees Nine Crores Four Lakhs and Sixty Nine Thousand and One Hundred Only) together with interest at the rate of 18 % per annum on Rs.8,48,99,501/- (Rupees Eight Crores Forty Eight Lakhs, Ninety Nine Thousand and Five Hundred and One only) from the date of plaint to the date of actual payment.

b) For payment of costs of the suit.

For Plaintiff :Mr.K.Ashok Kumar

For Defendant :Mr.Shivakumar and AMP Suresh

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### **J U D G M E N T**

Pursuant to the orders passed by this Court on 21.12.2021, the Registry has printed the name of the defendant represented by the Interim Resolution Professional. Even today, there is no representation on behalf of the Interim Resolution Professional.

<https://www.mhc.tn.gov.in/judis> 2. In the present case, the defendant-company is already under the control of



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the Interim Resolution Professional appointed by the NCLT. By virtue of the orders passed by the NCLT, the moratorium is in force and no further orders can be passed in this suit. It will therefore be more appropriate if the plaintiff is allowed to make the claim before the Interim Resolution Professional along with all the relevant documents. By resorting to this process, atleast the plaintiff will be able to make some progress in recovering the amount due and payable to them by the defendant-company.

3. In view of the above, this suit is disposed of by granting liberty to the plaintiff-company to make their claim before the Interim Resolution Professional along with all the relevant documents. The claim shall be considered in accordance with law and in the event of settlement of the claim, appropriate orders can be passed by the NCLT recording the same. It is brought to the notice of this court that at the time of filing the suit, original documents were filed with regard to document Nos. 43 to 52 filed along with the plaint. These original documents must be returned back to the learned counsel for the plaintiff in order to submit the same before the Interim Resolution Professional. The learned counsel for the plaintiff is permitted to file a memo in this regard and the original documents shall be returned to the learned counsel for the plaintiff and it shall be replaced with photo copies.



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4. Since, the matter is disposed of by granting liberty to the plaintiff to make the claim before the Interim Resolution Professional, this court deems it fit to permit the plaintiff to get the refund of the entire court fees that was paid at the time of filing the suit. The learned counsel for the plaintiff shall file a memo in this regard and the court fee shall be refunded to the plaintiff.

5. Accordingly this suit is disposed of. Connected applications are also closed, if any.

**24.01.2022**

nsa

Internet: Yes

Index : Yes/No

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

**N.ANAND VENKATESH,J.**



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**24.01.2022**