

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

PRESENT:

THE HONOURABLE Mr.JUSTICE N.ANAND VEKATESH

S.A.No.250 of 2014

M/s.BIC Logistics Ltd.,
6-D,Ega Trade Centre, X Floor,
No.809, P.H.Road, Kilpauk
Chennai 600 010 ..Appellant/1st Respondent/1st Defendant

.Vs.

- 1.M/s.Rane (Madras) Ltd.,
(Public Limited Company)
Registered Office at No.32, Cathedral Road
Chennai 86 and carrying on business among
other places through their Pondicherry Division
At No.77, Thirubhuvunai Main Road
Rep.by power agent/Subrogee
M/s.United India Insurance Company Ltd.,
Rep.by their Principal Officer/Assistant Divisional Manager
Ms.Shobha Shanmugam
2. M/s.United India Insurance Company Ltd.,
Rep.by their Principal Officer/Assistant Divisional Manager
Ms.Shoba Shanmugam
Carrying on their business of General Insurance
Having their registered office at
No.24, Whites Road, Chennai-14
And carrying on business amongst other places at
Chennai through their Divisional Office
No.19, No.98-A Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.
..Respondents 1 & 2/Appellants/Plaintiffs
- 3.M/s.Tata Engg & Locomotive Co..Ltd.,
Carrying on their business among other places,
Spare Parts Division and Tata Indica car Projects Division
at No.78, Pune-Alandi Road, PO DIGHI, Pune.
..3rd Respondent/2nd Respondent/2nd Defendant

Second Appeal filed Under Section 100 of the Code of Civil
Procedure against the Decree and Judgment dated 19.08.2013 made

in A.S.No.416 of 2009 on the file of the IV Additional Judge, City Civil Court, Chennai preferred against the Decree and Judgment dated 01.04.2008 made in O.S.No.3143 of 2006 on the file of the XI Assistant Judge, City Civil Court, Chennai.

DECREE: This Second Appeal coming on for hearing on this day, and upon perusing the Grounds of Appeal, the Judgment and Decrees of the Lower Appellate court and the court of First Instance and the material papers in this suit and upon hearing the arguments of Mr.Saikrishnan for M/s.Sai, Bharath and Ilan, Advocate for the Appellant and of Mr.Nageswaran, Advocate for the First and Second Respondent and notice to the regarding 3rd Respondent, this Court while allowing the Second Appeal and in modification of the order of the Court below, doth order and decree as follows:

1. That the Decree and Judgment passed by the IV Additional Judge, City Civil Court, Chennai dated 19.08.2013 made in A.S.No.416 of 2009 be and hereby set aside and the appeal remanded back to the file of the IV Additional Judge, City Civil Court, Chennai.

2. That the IV Additional Judge, City Civil Court, Chennai be and hereby is directed to hear the Appeal afresh and proceed to dispose of the case in the light of the observations and directions contained in the Judgment herein.

3. That the lower Appellate Court/IV Additional Judge, City Civil Court, Chennai be and hereby directed to deliver the final judgment in the Appeal on or before 15.07.2022 and to Sent compliance report to this Court.

4. That the counsel appearing on either side do appear before the IV Additional Judge, City Civil Court, Chennai on 06.06.2022 and the lower Appellate Court do fix a date for final hearing and dispose of the case within the time stipulated by this Court.

5. That there be no order as to costs in this Second Appeal

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kp

To

1.The IV Additional Judge, City Civil Court, Chennai.

2. The XI Assistant Judge, City Civil Court, Chennai

Copy To:

The Section Officer

V.R.Section, High Court, Madras.

+1cc to Mr.T.Saikrishnan, Advocate, S.R.No.23895

+1cc to M/s.Nageswaran & Narichania, Advocate, S.R.No.24388

DATED:06/04/2022

DECREE

S.A.No.250 of 2014

Allowing the Second Appeal preferred against the Decree and Judgment dated 19.08.2013 made in A.S.No.416 of 2009 on the file of the IV Additional Judge, City Civil Court, Chennai and etc., as stated within.

PM(CO)

SB(17/05/2022)