



WEB COPY



C.R.P(PD)No.2834 of 2021
& C.M.P.Nos.20582 & 21184 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2022

CORAM:

THE HON'BLE Mr. JUSTICE N.SESHASAYEE

C.R.P(PD)No.2834 of 2021 &
C.M.P.Nos.20582 & 21184 of 2021

1.M/s.Harsha Marine Services,
A partnership firm represented by its partners
Having registered office at Flat No. 3/1
III Floor, Rams Apartments
No. 40 Vijayaragava Road,
T.Nagar, Chennai 600 017.

2.Mrs.Leena Sathyanarayanan,
Partner M/s.Harsha Marine Services,
Flat No. 3/1 III Floor, Rams Apartments
No. 40 Vijayaragava Road,
T.Nagar, Chennai 600 017.

3.Mr.Harshavardhan Sathyanarayanan,
Partner M/s.Harsha Marine Services,
Flat No. 3/1 III Floor, Rams Apartments,
No. 40 Vijayaragava Road,
T.Nagar, Chennai 600 017.

... Petitioners

Vs.

M/s.Freightbro Logistics Pvt. Ltd.,
Rep. by its Head-Finance, Mr.Anupam Mundhra
Registered office at: III Floor, Ispahani Center
No.123 & 124, Nungambakkam High Road
Nungambakkam, Chennai-600 034

.... Respondent



C.R.P(PD)No.2834 of 2021
& C.M.P.Nos.20582 & 21184 of 2021

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 15.09.2021 passed in I.A.No.1 of 2021 in O.S. No.1622 of 2021 by the Learned XXI Additional City Civil Judge, Allikulam.

For Petitioners : M/s.D.Saikumaran

For Respondent : Mr.Sirish Chowdhary
for T.M.Naidu & Co.

ORDER

The respondent herein has laid O.S.No.1622 of 2021 under Order 37 for recovery of money. The defendant took out an application for seeking leave of the Court defend the suit. This application in I.A.No.1 of 2021 came to be allowed on 15.09.2021 on condition that the defendant shall deposit Rs.24 lakhs before the Court. This is now in challenge.

2.When the matter came up before this Court on an earlier occasion, the learned counsel for the respondent submitted that the suit amount of Rs.24 lakhs was the sum the defendant had admitted in his affidavit to I.A.No.1 of 2021 and that the trial Court has only directed the defendant to deposit that amount which he had admitted in affidavit. This amount, however is lower than the suit claim.



C.R.P(PD)No.2834 of 2021
& C.M.P.Nos.20582 & 21184 of 2021

3. When the matter came up before this Court, there were some arguments which finally resulted in the revision petitioner making a payment of Rs.11 lakhs to the respondent and the order has been passed to that effect on 16.03.2022.

4. This Court is informed today that this order has been complied with and a sum of Rs.11 lakhs has been transferred to the credit to the account of the respondent / plaintiff. What now remains is what is to be done with regard to the deposit of balance amount as per the condition imposed.

5. Learned counsel for the revision petitioner submitted that he may offer a security by surrendering title documents of property of the defendant which is worth more than Rs.13 lakhs.

6. This statement is recorded. The respondent is now required to comply with the undertaking of offering security before the trial Court within a period of two weeks from today after giving necessary notice to the plaintiff or his



WEB COPY



C.R.P(PD)No.2834 of 2021
& C.M.P.Nos.20582 & 21184 of 2021

N.SESHASAYEE, J.,

kas

counsel, to that extent of the order passed by the trial Court in I.A.No.1 of 2021.

7.This Civil Revision Petition is disposed of accordingly. Consequently, the connected miscellaneous petitions are closed. No costs.

23.03.2022

Index : Yes/No

Internet : Yes / No

Speaking /Non Speaking

kas

To
The XXI Additional City Civil Judge

Allikulam

C.R.P(PD)No.2834 of 2021 &
C.M.P.Nos.20582 & 21184 of 2021