

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 27th DAY OF JANUARY, 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

A.Nos.9673 and 9674 of 2019

and

A.No.1317 of 2021

in

E.P.No.241 of 2013

A.No.1317 of 2021 and E.P.No.241 of 2013:-

M/s Nilakantan & Brothers Constructions

Private Ltd.,

Represented by its authorized signatory

Mr.N.Jayachandran,

No.2, First Floor, Gokul Towers,

7, C.P.Ramaswamy Road,

Chennai 600 018.

...Appellant/Execution Petitioner/
Decree Holder

-Versus-

The Chief Engineer,

National Highways,

Pamban Bridge Project,

Chepauk, Chennai 600 005.

...Respondent/Respondent/
Judgment Debtor

A.No.1317 of 2021:-

Application praying that this Hon'ble Court be pleased to set aside the order dated 03.02.2020 made in E.P.No.241 of 2013 on the file of the Hon'ble Masters Court, High Court of Judicature at Madras and to allow E.P.No.241/2013.

A.Nos.9673 and 9674 of 2019:-

The Chief Engineer,
National Highways,
Pamban Bridge Project,
Chepauk, Chennai 600 005.

...Applicant /Respondent/
Judgment Debtor

-Versus-

M/s Nilakantan & Brothers Constructions
Private Ltd.,
Represented by its authorised signatory
Mr.N.Jayachandran
7, C.P.Ramaswamy Road,
Chennai 600 018.

...Respondent/Execution Petitioner/
Decree Holder

A.No.9673 of 2019:-

Application praying that this Hon'ble Court be pleased to Stay the prohibitory order made in E.P.No.241 of 2013 dated 15.10.2019 on the file of the Hon'ble Master Court, High Court of Judicature at Madras pending disposal of the above appeal.

A.No.9674 of 2019:-

Application praying that this Hon'ble Court be pleased to set aside the prohibitory order made in E.P.No.241 of 2013 dated 15.10.2019 on the file of the Hon'ble Master Court, High Court of Judicature at Madras.

These Applications coming on this day before this Court for hearing in the presence of Mr.P.J.Rishikesh, Advocate for the Applicant in A.No.1317 of 2021 and for the Respondent in A.Nos.9673 and 9674 of 2019 and Mr.SU. Srinivasan, Advocate for the Applicant in A.Nos.9673 and 9674 of 2019, and upon reading the Judge's Summons and the Grounds filed in A.No.1317 of 2021 and the Judge's Summons and the Affidavit of R.Arulmozhi filed in A.No.9673 of 2019, and the Judge's Summons and the Grounds filed in A.No.9674 of 2019, and the learned counsel for the applicant seeks permission of this court to withdraw this application and seeks liberty of this court to file a fresh application challenging the speaking order passed by the learned Master on 03.02.2020 in E.P.No.241 of 2013 and the learned counsels for the respective respondents have not raised any serious objection for the said submission made by the learned counsel for the applicant/petitioner, it is ordered as follows:-

That the Application in A.No.1317 of 2021 be and is hereby dismissed as withdrawn.

2. That the applicant herein shall be at liberty to file a fresh application, if so advised, aggrieved by the order dated 03.02.2020 passed

in E.P.No.241 of 2013 by the learned Master.

3. That in view of the order passed in A.No.1317 of 2021,
A.Nos.9673 and 9674 of 2019 do stand closed.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH
BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS
AFORESAID, THIS THE 27th DAY OF JANUARY 2022.

Sd/-
ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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25.03.2022

A.Nos.9673 and 9674 of 2019
and
A.No.1317 of 2021
in
E.P.No.241 of 2013

ORDER

DATED : 27.01.2022

THE HON'BLE MR.JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL:29.03.2022

APPROVED ON : 29.03.2022

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(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 27th DAY OF JANUARY, 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

A.Nos.9673 and 9674 of 2019

and

A.No.1317 of 2021

in

E.P.No.241 of 2013

A.No.1317 of 2021 and E.P.No.241 of 2013:-

M/s Nilakantan & Brothers Constructions

Private Ltd.,

Represented by its authorized signatory

Mr.N.Jayachandran,

No.2, First Floor, Gokul Towers,

7, C.P.Ramaswamy Road,

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The Chief Engineer,

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A.No.1317 of 2021:-

Application praying that this Hon'ble Court be pleased to set aside the order dated 03.02.2020 made in E.P.No.241 of 2013 on the file of the Hon'ble Masters Court, High Court of Judicature at Madras and to allow E.P.No.241/2013.

A.Nos.9673 and 9674 of 2019:-

The Chief Engineer,
National Highways,
Pamban Bridge Project,
Chepauk, Chennai 600 005.

...Applicant /Respondent/
Judgment Debtor

-Versus-

M/s Nilakantan & Brothers Constructions
Private Ltd.,
Represented by its authorised signatory
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A.No.9673 of 2019:-

Application praying that this Hon'ble Court be pleased to Stay the prohibitory order made in E.P.No.241 of 2013 dated 15.10.2019 on the file of the Hon'ble Master Court, High Court of Judicature at Madras pending disposal of the above appeal.

A.No.9674 of 2019:-

Application praying that this Hon'ble Court be pleased to set aside the prohibitory order made in E.P.No.241 of 2013 dated 15.10.2019 on the file of the Hon'ble Master Court, High Court of Judicature at Madras.

These Applications coming on this day before this Court for hearing, the court made the following order:-

Learned counsel for the applicant seeks permission of this Court to withdraw this application as the said application was filed on the basis that the order passed by the learned Master which is the subject matter of challenge is a non-speaking order. However, the learned counsel for the applicant now submits that on verification, he later found that the learned Master has passed a speaking order.

2. Hence, the learned counsel for the applicant seeks permission of this Court to withdraw this application and seeks liberty of this Court to file a fresh application challenging the speaking order passed by the learned Maser on 03.02.2020 in E.P.No.241 of 2013.

3. Learned counsels for the respective respondents have not raised any serious objection for the said submission made by the learned counsel for the applicant/petitioner.

4. Accordingly, this application is dismissed as withdrawn. However, liberty is granted to the applicant to file a fresh application, if so advised, aggrieved by the order dated 03.02.2020 passed in E.P.No.241 of

2013 by the learned Master.

5. In view of the order passed in A.No.1317 of 2021, A.Nos.9673 & 9674 of 2019 are closed.

Sd./-A.Q.J.

27.01.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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