



OSA (CAD). No. 104 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL**

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1. Mohammed Azeem
2. Mohammed Abid
3. Mohammed Aslam

..Appellants

Vs

M/s. Fipola Retain (India) Pvt Ltd.,
rep by its Director Mr.Sushil Kanugolu
Door No. 2-B, ACS , II Floor,
II Avenue, Anna Nagar, Chennai-600040

..Respondent

Prayer: Appeal is filed under Order 13(1) of Commercial Court Act to set aside the fair and decretal order made in A.D.No. 8001 of 2022 in C.S.No. 269 of 2022, dated 17.03.2022 and allow the appeal.

For Appellants : Mr. Sirish Chowdhary
For M/s.T.M.Naidu and Co.

For Respondent : Mr N.Prakash



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JUDGMENT

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(Order of the Court was made by D.KRISHNAKUMAR, J.)

Aggrieved by the order passed by the learned Single Judge in A.D.No. 8001 of 2022 in C.S.No. 269 of 2022, dated 17.03.2022 the present appeal has been filed by the appellants/landlords.

2. The appellants/landlords herein have filed an application before this Court in A.D.No. 8001 of 2022 seeking permission to withdraw the amount of Rs.24,20,000/- deposited by the respondent/tenant pursuant to the order passed by this Court in O.A.No. 492 of 2020, dated 16.10.2020. The said application was rejected by the learned Single Judge on the ground that there is no specified direction in the said order with regard to the entitlement of money deposited by the respondent/plaintiff.

3. At this juncture, the learned counsel for the appellants fairly stated before this Court that one of the creditors of the respondent-company has filed an application in I.A.No. 1698 of 2023 before the National Company Law Tribunal, Special Bench-II, Chennai for initiation



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of liquidation of Corporate Debtor and the said application is pending.

The learned counsel for the appellant seeks liberty to approach the National Company Law Tribunal, Special Bench-II, Chennai for getting further orders.

4. In view of the above, the present appeal stands dismissed with above liberty. No costs.

(D.K.K., J.) (P.D.B., J.)

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Index: Yes / No
Internet: Yes
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