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C.R.P. No. 2181 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :.10.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No. 2181 of 2023

M/s M.V.R. Automobiles Private Limited,
Represented by its Chief Executive Officer,
Audi Goa, H.No.15/153/A1,
Opposite to Harley Davidson Showroom,
Caranzalem Panaji, Goa 403 002

...Petitioner

.Vs.

1. M/s. Canara Bank,
Mount Road Branch,
Represented by its Assistant Manager,
781 - 785, Rayala Towers,
Annasalai, Chennai - 600 002

2. Audi India,
Volks Wagen Group India Private Limited,
3rd and 4th Floor, Silver Utopia,
Cardinal Gracious Road,
Chalaka - Andheri East,
Mumbai 400 093.

3. Mohammed Musamil,
No.11, 2nd Street, VGT Layout, NRI Nagar,
Panayur, Akkarai,
Chennai 600 119.



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4. Naseem Banu,
No.11, 2nd Street
VGT Layout, NRI Nagar,
Panayur, Akkarai, Chennai 600 119

5. The Branch Manager,
Union Bank of India,
Panjim Panaji, Goa

..Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order and decree dated 31.03.2023 passed in I.A.No.05 of 2021 in O.S.No.837 of 2020 and pass orders.

For Petitioner : Mr.Aswin Shanbhag

ORDER

This petition is filed seeking a direction to set aside the order and decree dated 31.03.2023 passed in I.A.No.05 of 2021 in O.S.No.837 of 2020 and pass orders.

2. The facts of the case is that the 3rd respondent intended to purchase a car by availing a loan from the first respondent/Bank. While



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processing the loan application it came to light that there was some discrepancies in the documents produced by the 3rd respondent, hence the first respondent/Bank requested the petitioner herein/ M.V.R. Automobiles Private Limited to stop delivery of the vehicle and re-credit the amount received from the bank. In spite of the follow up action taken by the first respondent/Bank an amount of Rs.60,00,000/- was transferred to the petitioner herein, which is the subject matter of this petition. As a result of which, the first respondent bank filed I.A.No.5 of 2021 in O.S.No.837 of 2020 seeking a direction directing the 5th respondent/Garnishee not to permit the operation of the account bearing No.064011100000367 standing in the name of the petitioner and attach the present and future credits till the disposal of the suit for furnishing security, wherein the impugned order was passed on 31.03.2023 with a direction directing the petitioner herein to deposit a sum of Rs.42,69,561/- into the account of the Court below. Aggrieved over the same, the petitioner has come up with this petition.



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3. The learned counsel for the petitioner submitted that when the matter is taken up hearing on 07.07.2023 this Court directed the petitioner to deposit a sum of Rs.30,00,000/- into the account of the Trial Court or or before 07.08.2023 and the petitioner has also deposited the amount and he has also produced the D.D before this Court. Hence, prays to allow this petition.

4. The learned counsel for the first respondent submitted that the petitioner had played fraud by availing the loan from them with an intention to siphon off the funds of the bank. Therefore, they filed the main suit for recover of Rs.42,69,651/- with future interest and filed I.A.No.5 of 2021 in O.S.No.837 of 2020 seeking a direction directing the 5th respondent/Garnishee not to permit the operation of the account bearing No.064011100000367 standing in the name of the petitioner and attach the present and future credits till the disposal of the suit for furnishing security. Hence prays to dismiss this petition.

5. Heard both sides and perused the materials available on record.



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6. On a perusal of the impugned order it is seen that the petitioner herein was directed to deposit a sum of Rs.42,69,651/- into the account of the Court below. Considering the facts of the case this Court by an order dated restricted the amount to Rs.30,00,000/- and directed the petitioner to pay the same into the credit of the Court below and the same was complied with by the petitioner.

7. In view of the above this petition is allowed and the order passed by the XXIII Additional Judge, City Civil Court, Chennai on 31.03.2023 in I.A.No.05 of 2021 in O.S.No.837 of 2020 is hereby set aside.
No order as to costs.

10.08.2023

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Index : Yes/No

Internet: Yes/No

To.

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



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V.BHAVANI SUBBAROYAN,J.
Smn

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