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O.S.A. No.144 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

O.S.A.No.144 of 2020
and
C.M.P.Nos.6829 of 2020 & 12333 of 2022

Puravankara Limited,
(Formerly known as Puravankara Projects Limited)
Having its registered office at
131/1, Ulsoor Road,
Bangalore – 560 042.
Represented by its
Authorized Signatory and Senior Vice President – Legal
John S. Vijayakumar

... Appellant

Vs.

M/s.Galaxy Properties Pvt. Ltd.,
Having its registered office at
No.8, Old No.49, Radha Mohan Street,
Velachery, Chennai – 600 042.
Represented by its Directors
Mohammed Ibrahim
Respondent

...

Prayer: Original Side Appeal filed under Order XXXVI Rule 1 of the
Original Side Rules read with Clause 15 of Letters Patent, to set aside the
judgment and decree dated 21.02.2020 in Application No.227 of 2020



passed by this Court.

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For Appellant : Mr.Joshua Samvel
For Respondent : Mr.T.V.Ramanujam, Senior Counsel
for M/s.Aravind Srivatsa

J U D G M E N T

(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

There is absolutely no merit in this appeal. This appeal according to us is an abuse of process of Court. Admittedly the appellant suffered an award for payment of Rs.11.90 Crores with appropriate interest which has been confirmed upto the Hon'ble Supreme Court.

2. The appellant had pretended to be a very good Company and made an offer to deposit a portion of the award amount contending that the sister concerns of the respondent owes monies to it. Thereby it conferred itself the power of being an adjudicator of its own claims against the sister concerns of the respondent.

3. However, when an application was moved for winding up the appellant before the National Company Law Tribunal, an offer was made by



the appellant before the National Company Law Tribunal to deposit the remaining amount into the Court and the respondent was lured into withdrawing the application for winding up before the National Company Law Tribunal. After getting an order from National Company Law Tribunal the appellant now objects to withdrawal of the monies by the respondent which is due to it under the award which has been confirmed upto the Hon'ble Supreme Court of India. This action of the appellant is most unpalatable to say the least.

4. If the appellant has any claim against the sister concerns, it is open to it to take appropriate action for recovery and there are various remedies available to it under the Code of Civil Procedure for securing its interest. We are not here to advise the appellant as to what to do to secure its interest. The learned Single Judge has rightly seen through the game played by the appellant and has ordered payment out of entire amount of the respondent.

5. We do not see any merits in the appeal. The appeal therefore fails and it is accordingly dismissed with a costs of Rs.1,00,000/- to be paid within a period of ten days.



6. The Registry is directed to pay out the monies lying to the credit of the A.No.227 of 2020 along with the accrued interest within a period of one week from today. No costs. Consequently, the connected miscellaneous petitions are closed.

(R.S.M., J.) (R.S.V., J.)
11.03.2024

dsa

Index : No

Internet : Yes

Neutral Citation : No

Speaking order

Note:- Issue order copy by 14.03.2024.



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and
R.SAKTHIVEL, J.

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