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Arb Appln. 664 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-12-2024

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

Arb Appln. 664 of 2024

IN

ARB APPLN. 624 OF 2023

MERCEDES BENZ FINANCIAL SERVICES INDIA
PVT LTD
5TH FLOOR PLOT 8 BAASHYAM WILLOW
SQUARE 9 AND 10 FIRST STREET THIRU VIKAS
INDUSTRIAL ESTATE GUINDY CHENNAI 600032

APPELLANT(S)

Vs

SEALAND INFRASTRUCTURE PRIVATE LIMITED
5TH FLOOR PLOT 8 BAASHYAM WILLOW
SQUARE 9 AND 10 FIRST STREET THIRU VIKAS
INDUSTRIAL ESTATE GUINDY CHENNAI
600032RESPONDENTS 1-3 ARE HAVING
OFFICE/RESIDING AT NO.20, GALAXY
COMMERCIAL CENTRE, GROUND FLOOR,
JAWAHAR ROAD, RAJKOT GUJARAT, INDIA 360
001. AND 3 OTHERS

RESPONDENT(S)

For Appellant(s):

M/S.NAMASIVAYAM S
S.RAJKUMAR
R.BALAMBIGAI GOWRI
A.MUTHUSUBRAMANIAN

For Respondent(s):

M/S D.R.RAGHUNATH (MS/1238/2007)
P.SELVA (MS/5124/2023)
KARTHIK CHANDRASEKHAR PINGLE
(MS/5886/2023)
SONA NR (MS/224/2024)
VAK FOR R4 D.NO.42990/2024 FILED ON



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08/11/2024

G4 NO.337, SINGAPORE PLAZA, PARYYS CH-01(9884342971) VAK RETURN

P/N - AOS D.NO.42988 DT 08.11.2024

P/N - R1 TO R3 NOTICE RETURNED AS LEFT
MEMO D.NO. 45606, DT. 25/11/2024 FOR R4

ORDER

(Order of the Court was made by the Hon'ble P.B. Balaji.J)

This application has been filed seeking for prohibitory order against the 4th respondent-Garnishee, prohibiting them from paying any amounts to the tune of Rs.33,44,57,682.23/- to the respondents 1 to 3 and further direct the 4th respondent-Garnishee to deposit the amount in a separate bank account.

2. By an order dated 19.02.2024, this Court directed the 4th respondent-Garnishee to deposit the amount in the Axis Bank Account No.923020010079074 Iskon Ambli Road GJ, Ahmedabad, 380 058 Branch with a further direction to continue the deposit every month into the said Axis Bank account. Thereafter, notice was ordered to be served on the contesting respondents. Despite, several attempts made by the applicant, the respondents have not appeared and hence, this Court had



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directed effecting substituted service on the respondents 1 to 3, by effecting paper publication in a leading news daily, having circulation in the State of Gujarat, mentioning the date of hearing as 09.12.2024 i.e., today. In furtherance of the said order dated 25.11.2024, the applicant has also effected publication in one issue of the Times of India, Ahmedabad Edition dated 30.11.2024 and filed an Affidavit of Service in support of effecting the said publication.

3. Today, also there is no appearance on the side of the respondents, despite the said paper publication.

4. Heard the learned counsel appearing for the applicant and the learned counsel appearing for the 4th respondent-Garnishee. In fact the 4th respondent-Garnishee has stated that in furtherance of the orders of this Court, a sum of Rs.1,10,87,000/- has already been deposited into the Axis Bank Account as directed by this Court and that the 4th respondent-Garnishee also does not have any objection for the applicant being entitled to the said amount.



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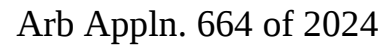
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5. In view of the above, ***A.No.664 of 2024*** is allowed and the applicant is entitled to the amount deposits into the said Axis Bank account and the 4th respondent shall pay a sum of Rs.1,10,87,000/- which has been deposited by the 4th respondent-Garnishee to the applicant within a period of two weeks from the date of receipt of a copy of this order.

(P.B. BALAJI, J.)
09-12-2024

To

1. SEALAND INFRASTRUCTURE PRIVATE LIMITED
5TH FLOOR PLOT 8 BAASHYAM WILLOW SQUARE 9 AND 10
FIRST STREET THIRU VIKI INDUSTRIAL ESTATE GUINDY
CHENNAI 600032RESPONDENTS 1-3 ARE HAVING
OFFICE/RESIDING AT NO.20, GALAXY COMMERCIAL
CENTRE, GROUND FLOOR, JAWAHAR ROAD, RAJKOT
GUJARAT, INDI 360 001.
2. MARY ESKIL ALEX
NO.20 GALAXY COMMERCIAL CENTRE, GROUND FLOOR,
JAWAHAR ROAD, RAJKOT GUJARAT, INDIA 360 001



NO.20 GALAXY COMMERCIAL CENTRE, GROUND FLOOR,
JAWAHAR ROAD, RAJKOT GUJARAT, INDIA 360 001

KATARIA ARCADE, 1ST FLOOR NEAR, ADANI VIDHYA
MANDIR SCHOOL SG HIGHWAY MAKARBA, AHMEDABAD 380
051

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P.B.BALAJI,J.,

nvi

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