



C.M.A.No.128 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2024

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

C.M.A.No.128 of 2024

and

C.M.P.No.1195 of 2024

M/s.S.R.Industries,
Represented by its Sole Proprietor,
Mr.Venkatragavan,
Shed No.2, TS 9/2,
Medavakkam, Chennai 600 100

Presently at,
No.34, 35, 36, Ground Floor,
Meenatchi Amman Nagar,
Chennai 600 044.

...Appellant

Vs

1.Employees State Insurance Corporation,
143, Sterling Road, Nungambakkam,
Chennai 600 034.

2.The Recovery Officer,
Employees State Insurance Corporation,
143, Sterling Road, Nungambakkam,
Chennai 600 034.



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3.City Union Bank Ltd.,
No.51, Ashok Manasarover,
Old No.12, 1st Avenue,
100 Feet Road, Ashok Nagar,
Chennai 600 083.

... Respondent

Prayer:

Civil Miscellaneous Appeal filed under Section 82(2) of the Employees Stater Insurance Corporation Act, to set aside the order dated 06.10.2023 passed in I.A.No.2 of 2023 in O.P.Sr.No.340 of 2023 and thereby allow this civil miscellaneous appeal.

For Appellant : Mr.M.Chandru

For Respondent : Mr.S.Jayakumari, Standing counsel

JUDGMENT

This civil miscellaneous appeal has been filed challenging the order dated 06.10.2023 passed in I.A.No.2 of 2023 in O.P.Sr.No.340 of 2023.

2. When this matter came up for hearing on 18.01.2024, this Court passed the following order:



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“This appeal has been filed challenging the order dated 06.10.2023.

2. Ms.S.Jayakumari, learned Standing counsel, takes notice on behalf of the respondents and seeks time for filing counter.

3. In the present case, the appellants herein had filed an application in I.A.No.2 of 2023 before the Court below. The said application was allowed vide order dated 06.10.2023 on condition that the appellant herein shall deposit 25% of the claim amount on or before 03.11.2023.

4. When this matter is taken up for hearing today, the learned counsel for the appellant seeks 4 weeks time to comply with the aforesaid order dated 06.10.2023. Further, he requests this Court to lift the attachment order subject to the compliance of the aforesaid order passed by the Court below.

5. Per contra, the learned counsel for the respondents had opposed for the aforesaid request made by the appellant.

6. Considering the above submissions, this Court is of the view that if order passed by the Court below dated 06.10.2023 is complied with by the appellant before the next date of hearing, thereafter, this Court will consider the issue pertaining to the lifting of attachment order and pass appropriate orders.



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7. Post this matter on 01.03.2024.”

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3. Pursuant to the above order, the appellant had deposited 25% of the claim amount and hence, no further adjudication is required in this matter. Therefore, the Court below is directed to number the appeal and hear the matter in accordance with law.

4. In the meantime, there shall be an order of stay for the recovery proceedings until the date of listing of this matter before the Court below.

5. Further, in the above order dated 18.01.2024, it has been held that if 25% of the claim amount is deposited by the appellant, this Court will consider the aspect of lifting the attachment order dated 28.06.2023. Accordingly, since the said order has been complied with by the appellant and 25% of the claim amount has been deposited as precondition for filing the appeal before the Court below, this Court is inclined to lift the attachment order.

6. Accordingly, the attachment order dated 28.06.2023 passed by the



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Court below is lifted until the date of listing of this matter before the Court below. Thereafter, it is for the Court below to decide on the aspect of lifting the said order of attachment.

7. In the result, this Civil Miscellaneous Appeal is closed. No cost.

01.03.2024

Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
nsa



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KRISHNAN RAMASAMY,J.

nsa

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