A.No.1406 of 2025 in C.S No.587 of 2016

A.A.NAKKIRAN, J.

This application is filed by the applicant/9th defendant to direct the Registry of this Court to payment out a sum of Rs.9,04,82,674.40p in favour of M/s.CSB Bank Ltd., Chennai Beach Road Branch, A/oc. No.005807000555382501- IFSC Code CSBK0000058 from and out of deposit sum of Rs.12.50 Crores (Rupees Twelve Crores Fifty Lakhs) lying to the suit account, pending disposal of the suit.

2.Heard both sides.

3. The learned counsel for the respondents 1 to 4/plaintiffs 1 to 4, the learned counsel for the respondents 6 & 10/defendants 2 and 6 and the respondents 11 & 12/defendants 7 & 8 have submitted that they have no objection in allowing this application.

4. The learned counsel for the 5th respondent/1st defendant has strongly opposed to allow this application stating that the interest charged by the applicant bank is exorbitant and unreasonable and it would be highly unjust to allow the applicant to recover an inflated amount solely due to the default of certain parties, especially when a more equitable resolution is available. Hence he prays for dismissal of the present application.

5. The learned counsel for the 14th respondent/11th defendant submitted that the statement of accounts given by the applicant bank contains only the penal charges and interest which are exorbitant and not in accordance with the terms of the loan agreement and further, how they arrived it has not been explained. He further submitted that the business was not in operation from April 2021 and in such circumstances, the Bank may consider waiving the interest, penal interest and other

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charges from April 2021 and it was the period, when the Bank had also not taken any action to recover and raise interim order passed in the present suit. Hence, he prays for dismissal of this application.

6. Based on the aforesaid the submissions, this Court is of the view that the issue regarding the waiver of interest, penal charges, and other charges is a matter between the applicant bank and the 5th and 14th respondents. Hence, this Court is inclined to allow this application.

7. Accordingly, this application is allowed.

02.04.2025

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