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A NO. 2467 of 2025  
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04-08-2025**

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**THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**A.Nos.2467 of 2025 & 2927 of 2024**

**in**

**E.P.No. 15 of 2024**

Balram Chainrai  
S/o. P.G. Chainrai, 684, Clear Water Bay Road,  
Clear Water Bay, Sai Kung, New Territories, Hong  
Kong.

Applicant(s)

Vs

Lakshmi Premises Private Limited and another  
Represented by its Director Having Registered  
Office at 37, TTK Road, Chennai 600 018. and  
another

Respondent(s)

**For Applicant(s):**

M/s.Deepika Murali  
(in both applications)

**For Respondent(s):**

Mr.Rizwan Siddiquee (For D1)  
(in both applications)

**COMMON ORDER**

The application in A.No.2467 of 2025 has been filed to detain the authorized signatory of the 1<sup>st</sup> Respondent Judgement Debtor Mr.Swaminathan in civil prison as mandated under Order XXI Rule 41(3) of the CPC, for not disclosing the true facts in their FORM 16 A, Affidavit of



assets and violating the order dated 21.06.2024 in A.No.2927 of 2024 in E.P.No.15 of 2024.

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2. The application in A.No.2927 of 2024 has been filed to direct the 1<sup>st</sup> Respondent/Judgment Debtor to furnish details of its fixed assets and bank accounts held by them by way of an Affidavit.

3. The learned counsel appearing for the applicant would submit that the applicant had been benefited with an order of costs by a Foreign Court, which is sought to be executed before this Court. Originally, an application in A.No.2927 of 2024 was filed, seeking for a direction to the judgment debtor to furnish its fixed assets and Bank Accounts held by him by way of an affidavit. By order dated 21.06.2024, this Court had directed the judgment debtor to file an affidavit.

4. A statement had also been filed by way of an affidavit, indicating that an amount of Rs.20 Crores, which had been ordered by the trial Court against a third party would be made over to this Court. Whether such offer was acceptable or legally permissible, was an issue, which this Court left open. She would further submit that, as the affidavit of assets was not in



accordance with the Form 16A read with Order XXI Rule 41 of C.P.C, the applicant had taken out an application to detain the signatory of the affidavit for not disclosing the true facts in their Form 16A affidavit of assets and also for violating the order dated 21.06.2024. She would submit that the affidavit of assets as filed before this Court is not in consonance with the form or the provisions of C.P.C., Hence she would request this Court to detain the signatory of the affidavit.

5. Countering her submissions, the learned counsel appearing on behalf of the respondent would submit that along with the counter affidavit filed in the application in A.No.2467 of 2025, the applicant had disclosed the details of the assets as required. He would further submit contentions on the maintainability of the Execution Petition itself. He would submit that since there are no assets for the company, the original statement had been filed and there was no ill-faith in suppressing any assets of the company. Now that the respondents had placed on record before this Court the assets of the company, which according to him, is in compliance with Order IV Rule 1 of C.P.C., and Form 16, disclosing their liabilities and prays that this Court may take the same on record and pardon the respondent.



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6. I have considered the submissions made by the learned counsel appearing on either side.

7. The contentions that are raised by the learned counsel as regards the maintainability of the Execution Petition cannot be gone into at this stage and this Court for a sake of brevity has not recorded such submissions. Further the respondent has now produced the assets along with the counter affidavit filed in A.No.2467 of 2025. This Court is of the view that the same can be taken on record and be treated as an affidavit in Form 16A. Even though this Court finds that the Form 16A has not been submitted in the proper format as now that the assets have been disclosed along with the counter affidavit filed in A.No.2467 of 2025.

8. To give a quietus to this *lis* between the parties, the assets filed along with the counter affidavit are taken on record and the applicants are permitted to proceed further in the Execution Petition on the basis of the said statement of assets. The parties are at liberty to raise grounds on the maintainability of the Execution Proceedings at the appropriate stage.



9. In fine, the applications in A.Nos.2467 of 2025 and 2927 of 2024 stand closed. However, there shall be no order as to costs.

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**04-08-2025**

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To

1. Lakshmi Premises Private Limited and another  
Represented by its Director Having Registered Office at  
37, TTK Road, Chennai 600 018.

2. IndusInd Bank

Kilpauk Branch, Ground Floor, New No.9, Old No.5, Bellour Road, Kilpauk,  
Chennai 600 010.



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**K.KUMARESH BABU, J.**

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