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CMP No.10402 of 2025 in Appeal (CAD) No.42 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2025

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THE HONOURABLE MR.K.R.SHRIRAM, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

C.M.P.No.10402 of 2025
in Appeal (CAD) No.42 of 2024

M/s.ECGC Limited,
(Formerly Export Credit Guarantee
Corporation of India Limited)
having its office at Cheran Plaza,
2nd Floor, 1090, Trichy Road,
Coimbatore-641 018.

Petitioner/Appellant(s)

Vs

M/s.Bannari Amman Spinning Mills Limited,
having its registered office at 252,
Mettuplayam Road, Coimbatore-641 043
rep. by its Managing Director
S.V.Arumugam

Respondent/Respondent(s)

Prayer: Petitioner filed under Section of 148 of CPC to extend the time to comply with the order dated 28.01.2025 passed in C.M.P.No.24815 of 2024 in Appeal (CAD) No.42 of 2024 in the above appeal by 7 days from today.

For Petitioner/Appellant(s):

Mr.K.Shyam Sunder



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ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Counsel is seeking listing of C.M.P.No.10402 of 2025 filed for extending the time to deposit the amount as directed in paragraph 2 of the order dated 28th January, 2025.

2. Paragraph 2 reads as under:

“2. The principal amount of Rs.79,72,686/- shall be deposited by petitioner with the Registrar General of this Court within a period of four weeks. If the amount is deposited, there shall be a stay on the execution and the amount shall be invested in Fixed Deposit for an initial period of 13 months to be renewed from year to year unless otherwise ordered. If the amount is not deposited, respondent may proceed with the execution.”

3. The four weeks' period expired on 25th February, 2025. The excuse being given is that the certified copy was not made ready within the time fixed by this Hon'ble Court. It is a most absurd excuse being given. We would add, a dishonest excuse. The order was uploaded in January itself and, therefore, there was no need of a certified copy to deposit the amount mentioned in the order. Counsel says the demand draft is ready. The



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Registry to take the demand draft on record and comply with the directions

given in the order dated 28th January, 2025.

4. In addition, appellant shall deposit a sum of Rs.10.00 lakhs (Rupees Ten Lakhs only) towards the interest that has been awarded to be paid from 25.01.2019 and the sum of Rs.8,43,910/- (Rupees Eight Lakhs Forty Three Thousand Nine Hundred and Ten only) being costs that has been awarded. These amounts shall be deposited within two weeks of this order being uploaded, failing which, plaintiff may go ahead with executing the decree.

C.M.P.No.10402 of 2025 is disposed of. Appeal be listed in due course.

(K.R.SHRIRAM, C.J.)

(MOHAMMED SHAFFIQ, J.)

28.04.2025

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