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CMP No. 19968 of 2025 in Appeal (CAD) No.45 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

CORAM

**THE HONOURABLE MR JUSTICE M. SUNDAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

CMP No. 19968 of 2025

in

Appeal (CAD) No.45 of 2025

1. Thiru Rani Logistics Private Limited

Rep by C Karthikeyan,

Having its Registered office,

New No.1 Krishnadoss Road,

Otteri, Chennai - 600 012

And

Having its Corporate Office

at No.1, New No.200 feet Road,

Madhavaram, Chennai - 600 110.

... Appellant

Vs

1. M/s.Toshiba JSW Power Systems

Private Limited

Having its Registered office

S.No.74-95, Vaikkadu Village,

Andarkuppam Check Post,

Manali New Town,

Chennai - 600 101.

2.United India Insurance Company Ltd.,

No.24 Whites Road

Chennai - 600 014.

... Respondents

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For Appellant: Mr.T.V.Suresh Kumar ,
of M/s.Genicon Legal (Law Firm)

For Respondents: Mr.M.Narendran
M/s.King And Partridge (Law Firm)
Caveator / R1

ORDER

(Order of the Court was made by M.Sundar J.)

Captioned first appeal has been filed by first defendant in a suit before Principal Commercial Court at Chennai.

2. Mr.T.V.Suresh Kumar, learned counsel of M/s.Genicon Legal (Law Firm) for the appellant is before us.

3. Parties are being referred to by their respective ranks before the Commercial Court.

4. First defendant suffered a 'decree dated 21.11.2024 in C.O.S.No.1236 of 2022 on the file of Principal Commercial Court, Chennai, originally O.S.No.3080 of 2018 (CNR No.TNCHIB-002603-2022) on the file of XVIII Additional City Civil Court, Chennai' [hereinafter 'impugned

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decree' for the sake of convenience].

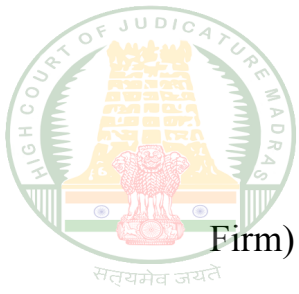
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5. First defendant owns a public bonded warehouse. Plaintiff utilized the services of first defendant for warehousing a Hydrogen Gas Cooler. Subsequently, the Cooler is said to have sustained huge damage and this is the crux and gravamen of the *lis*.

6. The plaintiff laid a suit claiming a little over Rs.19.79 lakhs together with interest on the principal sum of a little over Rs.15.34 lakhs. Suit was decreed in part i.e., for a sum of a little over Rs.9.54 lakhs (Rs.9,54,452/- to be precise) together with future interest at 12% from the date of suit till the date of realization.

7. Issue notice to R1/plaintiff. To be noted, notice to second respondent (Insurance Company) / D2 before Commercial Court is dispensed with in the captioned Civil Miscellaneous Petition as there is no decree against D2 and all rights of D2 are preserved qua main suit.

8. Mr.M.Narendran, learned counsel of M/s.King & Partridge (Law



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Firm) is before us, as plaintiff (R1 before us) has lodged a caveat. Learned counsel, accepted notice for R1 / plaintiff and on instructions submitted that plaintiff has not filed any appeal against the impugned decree and plaintiff does not intend to file any appeal. In other words, plaintiff accepts the impugned decree. This submission made, on instructions, is recorded.

9. As regards the impugned decree, as it is a money decree made after full contest, there will be an order of interim stay as prayed for subject to the condition that the appellant deposits a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the credit of the captioned appeal within six weeks from today i.e., on or before 01.10.2025 and such deposit shall be kept by the Registry in a interest bearing deposit in Indian Bank, Madras High Court Branch, High Court Buildings, Chennai - 104.

10. If the appellant/first defendant fails to make deposit as above within the aforementioned time frame, interim stay will stand vacated automatically without further reference to this Court.

Captioned Civil Miscellaneous Petition disposed of in the aforesaid



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manner. There shall be no order as to costs.

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[M.S.,J.]

[H.C.,J.]

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**M.SUNDAR J.
AND
HEMANT CHANDANGOUDAR J.**

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