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A. No.3882 of 2025

in

C.S. No.424 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

A. No.3882 of 2025

in

C.S. No.424 of 2019

M/s. Cee Dee Yes IT Parks Pvt. Ltd.,
represented by its Managing Director,
No.3A/1, Velachery - Taramani Road,
TANSI Nagar, Velachery-600 042.

... Applicant / Plaintiff

vs.

IndusInd Bank,
Zonal Office,
Old No.115, 116, New No.34,
G.N. Chetty Road, T.Nagar,
Chennai-600 017.

... Respondent / Defendant

PRAYER: Application filed under Order XIV, Rule 8 of the Madras High

Court Original Side Rules read with Order XI Rule 14 of Civil Procedure

Code praying to direct the respondent / defendant to produce the documents

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prayed for as listed in the Schedule.

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For Applicant : Mr. Thomas T. Jacob

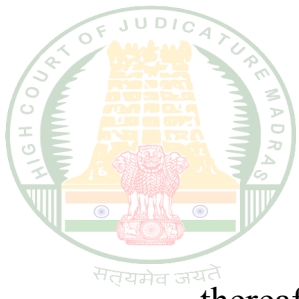
For Respondent : Mr. Jayaharan
for M/s. Ramalingam and
Associates

ORDER

This application has been filed by the applicant / Plaintiff to direct the respondent / defendant to produce the documents as listed in the Schedule

2. According to the applicant / Plaintiff, a Suit was filed by the Plaintiff for damages as against the respondent / defendant to the tune of Rs.16,69,93,972/-. The respondent / defendant, with wrongful intention, retained the Plaintiff's loan security documents despite closure of loan and also the defendant's misappropriation of sums by way of collecting and retaining excess payments and therefore, the Plaintiff filed the above said Suit. The Plaintiff opted to switch over its LRD loan account from defendant bank to another financial institution namely LIC Housing Finance Ltd., and

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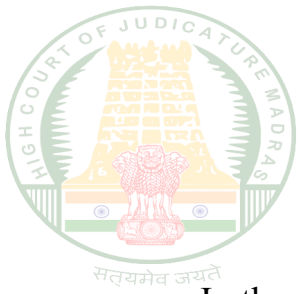
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thereafter, the defendant issued three letters quoting three different loan closure quotes i.e., Rs.32.26 crores as on 15.03.2018, Rs.32.42 crores as on 22.03.2018 and Rs.32.11. crores as on 23.03.2018. In the written statement, the defendant replied only in respect of the loan closure quote of Rs.32.42 crores and omitted to reply in respect of other two loan closure quotes of Rs.32.26 crores and Rs.32.11. crores. The defendant also failed to produce the internal audit report or other documents. Therefore, the documents mentioned in the application are essential to prove the case of the appellant / Plaintiff. Therefore, the applicant filed this application.

3. The respondent / defendant filed a counter stating that the Suit was filed for the relief of damages from the respondent bank for withholding the applicant's original documents for the period from 28.03.2018 to 08.07.2019. Apart from that, there are no any damages sought for by the Plaintiff in the above Suit. Therefore, seeking direction against the respondent to produce certain documents pertaining to the closed loan accounts is noway relevant.



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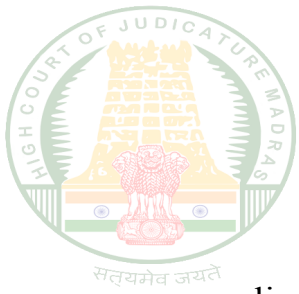
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In the year 2018 itself, the Plaintiff received 'No due certificate' from the bank on repaying their outstanding dues with the respondent. The applicant / Plaintiff had already accepted the due amount for a sum of Rs.32.42 crores and the same was paid without any protest and now only praying the damages in the Plaint for retaining the documents from the period from 28.03.2018 to 08.07.2019. To decide that issue, no other documents are required. Already the Plaintiff side witnesses were examined. At this stage, only to delay the proceedings, this application has been filed. Therefore, the application is liable to be dismissed.

4. The learned counsel appearing for the applicant / Plaintiff would submit that he filed a Suit for damages and the respondent claimed excess amount from the applicant and the same was brought to the knowledge only after the audit report and a sum of Rs.9.55 crores was excessly claimed by the respondent / defendant. Therefore, the documents mentioned in the

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application are very essential to prove the applicant / Plaintiff's case.

Therefore, prayed to allow this application.

5. The learned counsel appearing for the respondent / Defendant would submit that the Suit prayer is only in respect of damages for the retention of original documents for a particular period i.e., from 28.03.2018 to 08.07.2019. The Plaintiff also filed the above Suit for the above period and no any other relief is sought for. Now, the applicant / Plaintiff introduced a new plea stating that Rs.9.55 crores was excessly claimed by the respondent / defendant. Already, the applicant / Plaintiff settled the entire dues without any protest and without any prayer for the above said alleged excess money, filed this application to produce those documents to establish the excess amount claimed by the respondent. Therefore, those documents are noway related to this case and hence this application is liable to be dismissed.



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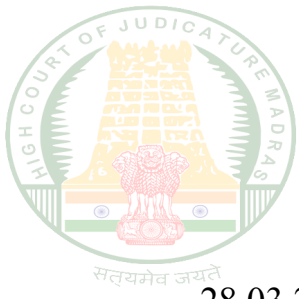


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6. Heard both sides and perused the materials.

7. On a careful perusal of records, it is observed that the Suit is filed for damages to the tune of Rs.16,69,93,972/-. According to the applicant / Plaintiff, they availed loan from the respondent bank and thereafter, they did not want to continue the loan with the respondent bank and they availed loan from some other agency, which is a financial institution namely LIC Housing Finance Ltd., and thereafter, a sum of Rs.32.42 crores was paid by the applicant / Plaintiff to the respondent / defendant bank on 26.03.2018 and 'No Objection Certificate' was also issued by the respondent / defendant. The said amount was fully settled by the applicant / Plaintiff without any protest. Thereafter, the applicant / Plaintiff filed a Suit for damages for non-returning the original documents and claimed damages for the period from 28.03.2018 to 08.07.2019. The prayer sought for in the main Suit is damages for retention of the original documents by the respondent / defendant bank from

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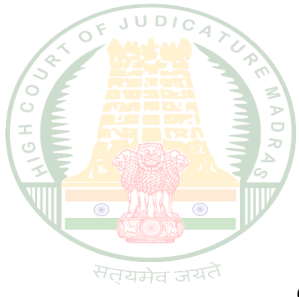
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28.03.2018 to 08.07.2019. Therefore, the Suit is only for damages for

retention of the original documents.

8. The Plaintiff's side witnesses were examined in the Suit and at that stage, the applicant / Plaintiff has filed this application to produce the documents alleging that the respondent / defendant had collected excess amount of Rs.9.55 crores from the applicant / Plaintiff, thereby, to prove the same, the documents sought for in the application are very essential to prove the applicant / Plaintiff's case. There is no prayer in the main Suit for the alleged excess money collected by the respondent / defendant bank and without any prayer, the documents sought for are noway helpful to decide the case in respect of the excess money allegedly collected by the respondent bank. Therefore, this application has no merits and deserves to be dismissed.



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9. Accordingly, this application is **dismissed**. There shall be no order
as to costs.

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