



O.S.A.No.46 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 18.02.2025**

WEB COPY

**CORAM :**

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH  
and  
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**O.S.A.No.46 of 2025  
and CMP Nos.27060 of 2024 and 3840 of 2025**

1.M/s.Eskay designs

A Proprietary Concern rep. by its  
Proprietor, Mr.K.Shivashankar Kailash,  
No.6/25, Kailash, First Street,  
Cenotaph Road, Teynampet,  
Chennai – 600 018.

2.Mr.K.Shivashankar Kailash,  
Prop: M/s.Eskay designs  
No.6/25, Kailash, First Street,  
Cenotaph Road, Teynampet,  
Chennai-600 018.

.. Appellants

VS

1.Dr.C.H.Venkateswara Rao

2.Mrs.C.H.Suseela Rani

3.Mr.K.Sailendra Kumar

.. Respondents



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Prayer : Appeal filed under Order XXXVI Rule 9 of the Original Side Rules read with Clause 15 of the Letters Patent, against the Order dated 09.08.2024 made in Application No.3348/2024 in C.S.No.2/2020 by this Court.

For Appellants : Ms.G.Subhashini .R

For Respondents : Mr.K.V.Babu (for R1 & R3)

### **JUDGMENT**

*(Delivered by C.KUMARAPPAN.,J)*

C.M.P.No.27060 of 2024 seeking condonation of delay of 21 days in preferring the Original Side Appeal is listed today.

2. The relevant events that have transpired are as follows:

The challenge is as against order dated 09.08.2024 passed in A.No.3348 of 2024, where the application was rejected directing the appellants to remit a sum of Rs.75.00 lakhs to the credit of C.S.No.2 of 2020 within a period of eight weeks from date of receipt of a copy of that order. In fact, the direction to remit a sum of Rs.75.00 lakhs is as against the decreed amount of Rs.1,24,21,512/- along with interest.

3. Both Ms.Subhashni.R., learned counsel for the appellants as well as Mr.K.V.Babu, learned counsel for R1 and R3 would concur on the position that notwithstanding order dated 09.08.2024, the entirety of the amount was remitted on 14.10.2024 and proceedings were initiated by the



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respondents seeking payment out of the amount, which has been ordered and the amount has been received by the respondents on 06.01.2025.

4. In light of the aforesaid, the delay of 21 days in preferring the Original Side Appeal is condoned and CMP No.27060 of 2024 is ordered.

5. Accordingly, the Registry is directed to number the Original Side Appeal and listed the appeal under special list today.

6. In light of the aforesaid, nothing further survives in this Original Side Appeal and the same is closed. No costs. Connected Miscellaneous Petition is also closed.

[A.S.M., J] [C.K., J]  
18.02.2025

Index:Yes  
Speaking order  
Neutral Citation:Yes  
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**DR. ANITA SUMANTH,J.**  
**and**  
**C.KUMARAPPAN,J.**

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**O.S.A.No.46 of 2025**  
**and CMP Nos.3840 of 2025**

**18.02.2025**