



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.04.2025

WEB COPY

Coram:

The Honourable Mr.Justice C.SARAVANAN

**Application Nos.6095, 6096 & 6097 of 2024
in C.S.No.35 of 2013**

1.Dr.Kamakshi Memorial Hospital P. Ltd.,
No.1, Radial Road,
Pallikaranai, Chennai – 600 100.

2.Dr.T.G.Govindarajan

3.Dr.T.G.Sivaranjani

4.Dr.T.G.Bhairavi

...Applicants in all Applications

Versus

1.S.Ganapathy

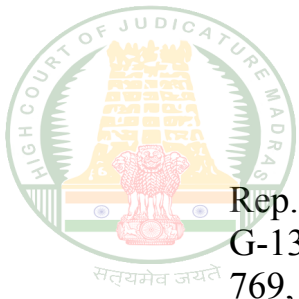
2.S.Venkatramani

G.Pushpalatha (Died)

3.DSLV Ventures LLC,
523, Green Tree Place,
Fairborn, Ohio – 45324.

4.Indian Overseas Bank,
R.K.Salai Branch,
No.32, R.K.Salai, Mylapore,
Chennai – 600 004.

5.Indian Overseas Bank,
Spencer Plaza Branch,



WEB COIN

Rep. by its Chief Manager,
G-135H, 3rd Phase, Spencer Plaza,
769, Anna Salai,
Chennai – 600 002.

6. Indian Overseas Bank,
Aminjikai Branch,
Rep. by its Chief Manager,
No.409, (Old No.248),
Poonamallee High Road,
Aminjikai, Chennai – 600 029.

7. G. Nandhini

...Respondents in all Applications

Prayer in Application No.6095 of 2024 in C.S.No.35 of 2013:

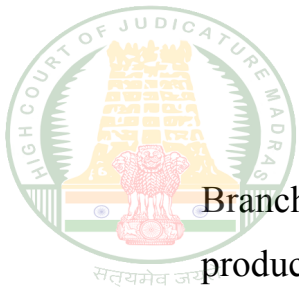
Application filed under Order 14 Rule 8 of O.S.Rules r/w. Order XVI Rule 1(2) r/w. Section 30(B) of C.P.C. praying to issue summons to the Inspector of Police, Central Crime Branch, Chennai Suburb to produce for marking in evidence the original of Plaintiff Document No.52 (viz., FIR registered in Crime No.01/2011 on the file of CCB, Chennai).

Prayer in Application No.6096 of 2024 in C.S.No.35 of 2013:

Application filed under Order 14 Rule 8 of O.S.Rules r/w. Order XVI Rule 1(2) r/w. Section 30(B) of C.P.C. praying to issue summons to the Office of the Commissioner of Police, Cyber Crime, Chennai Suburb, Chennai to produce for marking in evidence the originals of Plaintiff Document Nos.41 & 42 (viz., Police Complaint dated 24.01.2011 and Corrected Police Complaint dated 20.06.2011).

Prayer in Application No.6097 of 2024 in C.S.No.35 of 2013:

Application filed under Order 14 Rule 8 of O.S.Rules r/w. Order XVI Rule 1(2) r/w. Section 30(B) of C.P.C. praying to issue summons to the



WEB COPY

Branch Manager, Kotak Mahindra Bank, Anna Salai Branch, Chennai to produce for marking in evidence the originals or a certified copy of Plaintiff Document No.45 (viz., the Bank Statement of the 1st Defendant (Mr.Ganapathy Swaminathan) pertaining to Account No.04620120011563 for the period 07.02.2006 to 09.02.2011.

For Applicants
in all Applications : Mr.Shabeer Ali
for M/s.Sarvabhauman Associates

For Respondents – 1 & 2
in all Applications : Mr.K.Sukumar

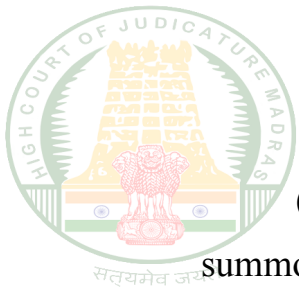
For Respondents – 3 to 6
in all Applications : Ms.V.Rajeswari

COMMON ORDER

These Applications have been filed by the Applicants/Plaintiffs for the following reliefs:

(i) Application No.6095 of 2024 in C.S.No.35 of 2013 - To issue summons to the Inspector of Police, Central Crime Branch, Chennai Suburb to produce for marking in evidence the original of Plaintiff Document No.52 (viz., FIR registered in Crime No.01/2011 on the file of CCB, Chennai).

(ii) Application No.6096 of 2024 in C.S.No.35 of 2013 - To issue summons to the Office of the Commissioner of Police, Cyber Crime, Chennai Suburb, Chennai to produce for marking in evidence the originals of Plaintiff Document Nos.41 & 42 (viz., Police Complaint dated 24.01.2011 and Corrected Police Complaint dated 20.06.2011).



WEB COPY

(iii) Application No.6097 of 2024 in C.S.No.35 of 2013 - To issue summons to the Branch Manager, Kotak Mahindra Bank, Anna Salai Branch, Chennai to produce for marking in evidence the originals or a certified copy of Complaint Document No.45 (viz., the Bank Statement of the 1st Defendant (Mr.Ganapathy Swaminathan) pertaining to Account No.04620120011563 for the period 07.02.2006 to 09.02.2011.

2. The learned counsel for the Applicants/Plaintiffs submitted that the Applicants/Plaintiffs have filed these applications praying this Court to issue summons to the following three persons viz.,

- (i) The Inspector of Police, Central Crime Branch, Chennai Suburb
- (ii) The Commissioner of Police, Cyber Crime, Chennai Suburb, Chennai and
- (iii) The Branch Manager, Kotak Mahindra Bank, Anna Salai Branch, Chennai

for producing the originals of Complaint Documents that are in their custody and control.

3. The learned counsel for the Respondents 3 to 6/Defendants 4 to 7 submitted that the Respondents 3 to 6/Defendants 4 to 7 were set *ex-parte* by this Court vide order dated 12.06.2019 in C.S.No.35 of 2013, pursuant to which, the Respondents 3 to 6/Defendants 4 to 7 have filed necessary applications for setting aside the order dated 12.06.2019 in C.S.No.35 of



2013. However, those applications have not yet been numbered.

WEB COPY

4. Since the prayer sought by the Applicants/Plaintiffs in these applications is only to facilitate the completion of trial in this case, I find no impediment in allowing these applications. Hence, these Applications are allowed and the Registry is directed to issue summons to the following persons for tendering evidence in this case:

- (i) The Inspector of Police, Central Crime Branch, Chennai Suburb
- (ii) The Commissioner of Police, Cyber Crime, Chennai Suburb, Chennai and
- (iii) The Branch Manager, Kotak Mahindra Bank, Anna Salai Branch, Chennai.

and list C.S.No.35 of 2013 on 09.06.2025 for further orders. In the meanwhile, the Respondents 3 to 6/Defendants 4 to 7 may take steps to set aside the order dated 12.06.2019 in C.S.No.35 of 2013.

25.04.2025

mrr

Index : Yes/No

Speaking Order (or) Non Speaking Order

C.SARAVANAN, J.



WEB COPY



mrr

Application Nos.6095, 6096 & 6097 of 2024
in C.S.No.35 of 2013

25.04.2025