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C.R.P. (PD) .No.4615 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.4615 of 2024

and

C.M.P.No.25821 of 2024

M/s.Poompuhar Shipping Corporation Ltd.,
Government of Tamil Nadu Enterprises,
Rep. by its General Manager (Finance),
K.Malarvizhi,
New No.692, (Old No.473), Anna Salai, 4th Floor,
Chennai – 600 035.

.. Petitioner

Vs.

Chowgule Steamships Limited,
Rep. by its Managing Director,
Bakhtawar, Post Box No.11596,
Nariman Point, Mumbai – 400 021.

.. Respondent

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 23.09.2024 passed in I.A.No.2 of 2020 in C.O.S.No.1432 of 2022 of the Principal Judge, The Principal Commercial Court at Egmore, Chennai and consequently allow the application to amend (I.A.No.2 of 2020 in C.O.S.No.1432 of 2022).



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For Petitioner : Mr.M.Narendran
for King and Partridge
For Respondent : Mr.J.V.Sakthi Balakrishnan
for Mr.S.Raghunathan

ORDER

This civil revision petition challenges the order passed by the learned Principal Commercial Court at Egmore, Chennai, in I.A.No.2 of 2020 in C.O.S.No.1432 of 2022, dated 23.09.2024.

2.The civil revision petitioner is the plaintiff in the suit.

3.C.O.S.No.1432 of 2022 was presented seeking recovery of a sum of Rs.30,28,430/- together with interest at the rate of 12% per annum on the principal sum of Rs.24,78,397/-.

4.Earlier, proceedings between the parties were initiated before an Arbitrator. The Arbitrator passed an award directing the claim amount to suffer an interest at 18% per annum.



5.Challenging the same, O.P.Nos.171 & 321 of 2001 had been presented to this Court. This Court confirmed the amount liable to be paid as principal but reduced the interest from 18% to 12%.

6.In the mean time, the defendant had invoked the bank guarantee given by the plaintiff herein and had withdrawn the principal amount together with interest at the rate of 18% per annum. On the strength of the order of this Court, the plaintiff issued a letter calling upon the defendant to return the amounts representing the balance of interest of 6%. As the amount was not paid, the plaintiff presented the suit for recovery of money.

7.In the mean time, the defendant had deposited a draft for a sum of Rs.28,93,464/- before the Registry of this Court. According to the defendant, this was in full quit of the claim. The Registry returned the draft, stating that there is no order by the Court, directing such deposit. The returned draft was taken back by the representative of the counsel for the defendant. Thereafter, it went missing. Hence, the plaintiff filed an application in I.A.No.2 of 2020 to amend the plaint seeking for enhancement of the claim.



8.In the mean time, the suit stood transferred from this Court to the City Civil Court, Chennai and thereafter, to Commercial Court, Egmore, Chennai. The learned Commercial Judge, dismissed the application after receipt of a counter on 23.09.2024. Hence, the revision.

9.When the matter came up before me, I requested Mr.M.Narendran to serve the papers on Mr.S.Raghunathan, who represents the defendant in the Court below. The papers have been served and Mr.J.V.Sakthi Balakrishnan appeared on his behalf.

10.After hearing both sides, I directed Mr.J.V.Sakthi Balakrishnan to give a draft for a sum of Rs.28,93,464/-, as this liability had been admitted by the defendant. Mr.J.V.Sakthi Balakrishnan represents that the draft for this amount has been given to Mr.M.Narendran. Mr.M.Narendran also acknowledges the receipt of the said draft. Since the differences in the amount which had been deposited in the Court had been paid, the necessity to amend the plaint does not exist any more. It is open for the parties to contest the suit on the basis of the plaint as presented before this Court originally.



C.R.P. (PD) .No.4615 of 2024

11.In the result, this Civil Revision Petition stands closed.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

The Principal Judge,
The Principal Commercial Court at Egmore,
Chennai.



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V.LAKSHMINARAYANAN, J.

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