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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2025

CORAM

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

A.Nos. 6436 & 6437 of 2024

Vinay Asrani

Represented by its Karta Vinay R Asrani, No.30, 4th
Floor, Niagara Apartments, No.1, Sterling Road,
Nungambakkam, Chennai 600 034. and 3 Others

Applicant(s)

Vs

M/s.Rajkham Builders Private Limited and 5 others
CIN U45200TN2008PTC067410 Rajkham Srishti,
No.105, Arcot Road, Kodambakkam, Chennai 600
024. and 5 Others

Respondent(s)

For Applicant(s):

M/s. Ganesh and Ganesh
K.Jayaraman
K.Mohan
R.Rathipriya

For Respondent(s):

ORDER

The suit for recovery of money was filed jointly by four plaintiffs
against the 4th defendant.

2. This Court, earlier considering the nature of the dispute, has
granted leave to join multiple causes of action together. Subsequently, while
contesting the suit, the defendants candidly admitted that they owed



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6. This Court, after due application of mind and to avoid multiplicity of litigations, had permitted all four plaintiffs to join together in a single suit for different causes of action. Defendants 1 & 3 and defendants 2 & 4 joined together filed two different statements. It is an admitted fact that the 4th defendant had borrowed Rs.1,10,00,000/- from the 2nd & 4th plaintiffs and deposited the said amount. These two applications are concerned, it is in respect of the admitted liability of the 4th defendant and the withdrawal of the amount deposited in the suit account.

7. Therefore, it is appropriate to permit the 2nd and 4th plaintiffs to withdraw the amount as per the 4th defendant's admission. The other claim of the plaintiffs remain in dispute and will be decided in the course of the litigation. As far as the payment out application filed by the plaintiffs 2 and 4 to whom the 4th defendant admitted the liability and deposited the amount, there is no legal impediment to permit the 2nd and 4th plaintiffs to withdraw Rs.55,09,113/- each. Accordingly, the applications are allowed.

29-01-2025

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DR.G.JAYACHANDRAN, J.



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