



A. Nos. 5076, 5075, 4376 & 3718 of 2025 etc.,
and C.S. No. 76 of 2009

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2025

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THE HONOURABLE Dr. JUSTICE R.N.MANJULA

A. Nos. 5076, 5075, 4376 & 3718 of 2025
and A.No.5572 of 2024
and O.A. No. 923 of 2017
and O.A. No. 278 of 2021
and C.S. No. 76 of 2009

A.No.5076 of 2025:-

Beena Kosaraju

...Applicant

Vs.

1.Sarath Kakamanu
2.K.S.Gita
3.Sujini Kakamanu
4.K.Ashwin Kakamanu

5.Canbank Factors Limited
Represented by its Assistant Vice President
Casa Blanca, No.11/19
Casa Major Road, Egmore
Chennai-600 008.

...Respondents

6.Union Bank of India
Mowbrays Road Branch
Represented by its Manager
265, TTK Salai, Chennai-600 018.

... Respondent/ 3rd party

Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Section 151 of Code of Civil Procedure, praying to order payment out of the sum of Rs.8,30,50,000/- (Rupees

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Eight Crores Thirty Lakhs and Fifty Thousand Only) to the applicant herein.

For applicant : Mr.P.L.Narayanan, Senior Counsel
For Mr.P.T.Rakesh

For Respondents : Mr.Abitha Banu (R1)
Mr.M.K.Kabir, Senior Counsel
For Ms.Padma (R4)
Mr.Ananda Gomathi (R6)

A.No.5075 of 2025:-

Union Bank of India
Mowbrays Road Branch
Represented by its Manager
265, TTK Salai, Chennai-600 018.

...Applicant

Vs.

1. Beena Kosaraju

...1st respondent

2.Sarath Kakamanu

3.K.S.Gita

4.Sujini Kakamanu

5.K.Ashwin Kakamanu

6.Canbank Factors Limited

Represented by its Assistant Vice President

Casa Blanca, No.11/19

Casa Major Road, Egmore

Chennai-600 008.

...Respondents

Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Order XXXVII Rule 13 of Original Side Rules read with Section 151 of Code of Civil Procedure, praying to

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release the amount of Rs.8,30,50,000/- (Rupees Eight Crore Thirty Lakhs and Fifty Thousand Only) from the Treasury and to the credit the same into the Bank's Account of the applicant /6th respondent along with interest if any.

For applicant : Mr.Ananda Gomathi

For Respondents : Mr.P.L.Narayanan, Senior Counsel
For M/s.E.Hariharan & P.T.Rakesh (R1)

Mr.Abitha Banu (R2)
Mr.M.K.Kabir, Senior Counsel
For Ms.Padma (R5)

A.No.4376 of 2025:-
K.Ashwin Kakumanu

...Applicant

Vs.

1. Beena Kosaraju

...1st respondent

2.Sarath Kakamanu

3.K.S.Gita

4.Sujini Kakamanu

5.K.Ashwin Kakamanu

6.Canbank Factors Limited

Represented by its Assistant Vice President

Casa Blanca, No.11/19

Casa Major Road, Egmore

Chennai-600 008.

7.Union Bank of India

Mowbrays Road Branch

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Represented by its Manager
265, TTK Salai, Chennai-600 018.

...Respondents

Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Order XXXI Rule 9 of Original Side Rules praying to order payment out of the sum of Rs.4,15,25,000/- (Rupees Four Crores Fifteen Lakhs and Twenty Five Thousand Only) to the Applicant herein as per order dated 25.04.2025 made in Application No. 5572 of 2024 in C.S. No. 76 of 2009.

For applicant : Mr.M.K.Kabir, Senior Counsel
For Ms.Padma

For Respondents : Mr.P.L.Narayanan, Senior Counsel
For M/s.P.T.Rakesh & E.Hariharan (R1)

Mr.Abitha Banu (R2)
Mr.Ananda Gomathi (R6)

A.No.3718 of 2025:-
Sarath Kakumanu

...Applicant

Vs.

1. Beena Kosaraju

...1st respondent

2. K.S.Gita
3.Sujini Kakamanu
4.K.Ashwin Kakamanu



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5.Canbank Factors Limited

Represented by its Assistant Vice President
Casa Blanca, No.11/19
Casa Major Road, Egmore
Chennai-600 008.

6.Union Bank of India

Mowbrays Road Branch
Represented by its Manager
265, TTK Salai, Chennai-600 018.

...Respondents

Prayer : This application has been filed under Order XIV Rule 8 of the Original Side Rules read with Order XXXVII Rule 13 of Original Side Rules read with Section 151 of Code of Civil Procedure, praying order payment out of the sum of Rs.8,30,50,000/- (Rupees Eight Crores Thirty Lakhs and Fifty Thousand Only) to the applicant herein who is the 1st defendant in the main suit.

For applicant : Mr.Abitha Banu (R2)

For Respondents : Mr.P.L.Narayanan, Senior Counsel
For M/s.P.T.Rakesh & E.Hariharan (R1)
Mr.Ananda Gomathi (R6)
Mr.M.K.Kabir, Senior Counsel
For Ms.Padma (R4)

COMMON ORDER

The applicant in Application No. 5076 of 2025, viz., Beena Kosaraju, is the plaintiff, who is one of the daughters of the owner of the



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suit property, who has filed the suit for partition for 1/4th share in the suit property and who got the preliminary decree as prayed.

2. The applicant in 5075 of 2025, who is the banker, viz., UBI, from whom the 2nd defendant had availed loan by offering her 1/4th undivided share in the suit property as security. The bank had obtained a decree for recovery in pursuant to the proceedings initiated before Debt Recovery Tribunal.

3. The 2nd defendant is also one of the daughters of the deceased owner of the whole of suit property and against whom, the bank is holding a decree in respect of her loan availed from the banker by offering her 1/4th share as security. In the order dated 25.04.2025, no share has been allotted to the 2nd defendant. In other words, the 1/4th share meant for the 2nd defendant is allowed to be taken by the decree holders, viz., Union Bank of India, who holds the decree against the 2nd defendant.



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4. Regarding the entitlement of share in the sale proceeds of the suit property, which was sold in the public auction by the advocate commissioner in the final decree proceedings, and an order has been passed on 25.04.2025 as under:-

“4.In the above circumstances, the following directions are issued:

(i) Learned Advocate Commissioner is directed to file a memo before the I Assistant Registrar, Original Side for deposit of the aggregate sum of Rs.33,22,00,000/- to the credit of the suit. This shall be done forthwith, i.e., on or before 28.04.2025.

*(ii) A sale deed shall be executed by the Registrar in favour of the Transtroy (India) Limited, within **four weeks** from the date of receipt of a copy of this order.*

(iii) Learned Advocate Commissioner is directed to take necessary steps to hand over vacant possession to the auction purchaser. If necessary, the Advocate



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Commissioner may seek the assistance of jurisdictional police and revenue officials. The said authorities shall extend assistance, if requested by learned Advocate Commissioner.

(iv) The Union Bank of India is directed to obtain the original title deeds and revenue records relating to the property from the Debt Recovery Tribunal -III, Chennai and deposit the same with the Registrar.

(v) Each party, other than the second defendant, is permitted to file applications for payment out of the respective share of Rs.8,30,50,000/- once the deposit is made to the credit of the suit.

(vi) The Union Bank is also permitted to file such application in respect of the 1/4th share in the property which was mortgaged by the second defendant in favour of the Bank.

(vii) Upon receipt of its share towards discharge of the mortgage, the Union Bank is directed to execute and



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register the discharge receipt before the jurisdictional Sub-Registrar and take necessary steps to delete the entry relating to the mortgage from the register of encumbrances.

(viii) On realization of the respective shares, the Advocate Commissioner shall be paid additional remuneration of Rs.5,00,000/- each to be shared equally by the sharers.

(ix) The auction purchaser is granted leave to apply for any further directions, if necessary.”

5. So applicants in Application Nos.5076, 3718, 5075, 4376 of 2025 have filed for seeking payment out of their respective entitlement in terms of the apportionments allowed against each of them in the order dated 25.04.2025. The 2nd defendant has already set exparte and the order dated 25.04.2025 has attained finality, after the appeal filed by the 2nd defendant in O.S.A. No.189 of 2025 was dismissed.



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6. Hence, I find no reason to withhold the payments that are due to be paid to these applicants as per the order dated 25.04.2025. Hence, **these applications are allowed.** No costs.

7. On receiving the above payments, the applicant in 5075 of 2025 is required to hand over the original title deeds and revenue records relating to the property from the Officer of the Debt Recovery Tribunal – III and deposit the same with the Registrar of this Court in order to enable the concerned Registrar to execute a Sale deed as ordered already vide order dated 25.04.2025.

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Dr. R.N.MANJULA, J.

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Dated :17.10.2025