



C.R.P.(PD)Nos.5312 to 5315 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: **28.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

*C.R.P.(PD)Nos.5312 to 5315 of 2024
and C.M.P.Nos.29576, 29577, 29579 & 29583 of 2024*

G.Mithulram .. Petitioner in CRP.No.5312/2024

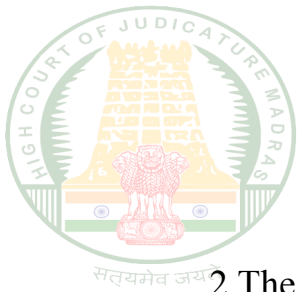
A.K.Gopal .. Petitioner in CRP.No.5313/2024

APR Logistics
Rep by its Proprietor A.K.Gopal,
No.A-1, 1st Floor, A-Block,
Inner Ring Road, Balaji Nagar,
EKKattuthangal, Chennai-600 097.
..Petitioner in C.R.P.No.5314/2024

APR Travel Service
Rep. by its Proprietor Srilekha,
No.2, 1st Main Road, Balaji Nagar,
Ekkattuthangal, Chennai-600032. ..Petitioner in C.R.P.No.5315/2024

Vs

1.The Managing Director,
M/s. Shriram Finance Ltd.,
(Formerly known as Shriram Transport
Finance Co. Ltd.) Sri Towers,
Plot No.14A, South Phase,
Industrial Estate, Guindy,
Chennai-600032.



C.R.P.(PD)Nos.5312 to 5315 of 2024

WEB COPY

2. The Branch Manager,
M/s. Shriram Finance Ltd.,
(Formerly known as Shriram Transport
Finance Co. Ltd.) Old No.7 and 8,
New No.15 and 17, Lalith Tower,
2nd Floor, (Western Side),
Kamber Street, Chennai-600016.

.. Respondent in all CRPs.

Common Prayer: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the docket order of the learned XVII Assistant Judge, City Civil Court, Chennai, dated 13.12.2024 in I.A.No.3 of 2024 in O.S.Nos.7090, 7089, 7092 & 7091 of 2024.

In all CRPs.

For Petitioners : Mr.P.L.Narayanan, learned Senior Counsel
for Mr.U.Krishnasamy

For Respondents : Mr.P.Elaya Rajkumar
for M/s.Ramalingam Associates

COMMON ORDER

These civil revision petitions arise against the order passed by the learned XVII Assistant Judge, City Civil Court, Chennai, in issuing notice in the applications filed by the civil revision petitioners/plaintiffs.



2. Several suits were presented by the civil revision petitioners.

WEB.COM

There is no dispute that they had availed financial assistance from the respondents/defendants. On account of the default committed by the plaintiffs, the defendants issued notice calling upon them to make good the loans that had been availed by them or in default, had informed the plaintiffs that they will take appropriate measures to recover the amounts due to them.

3.The plaintiffs, being in logistic business, had entered into contracts with several third parties for the purpose of rendering services. It feared that the defendants might take forcible possession of the vehicles which they are operating. It is not in dispute that these vehicles had been purchased availing the physical assistance given by the defendants. The plaintiffs feared that the defendants might utilise the Christmas vacation and seize the 170 vehicles, which were worth about Rs.40 crores. Despite bringing this fact to the notice of the learned Trial Judge, as only notice had been ordered. Hence, the matter had been moved before me.



C.R.P.(PD)Nos.5312 to 5315 of 2024

4. By an order dated 20.12.2024, I requested Mr.U.Krishnasamy to

serve the papers on the standing counsel for the respondents. He attempted to serve the papers on several counsels, but all of them refused to receive the notice. Hence, I passed a detailed order in the post lunch session on 20.12.2024, granting an order of injunction restraining the defendants from seizing the vehicles, on the condition that the petitioners/plaintiffs will deposit a sum of Rs.1 crore (Rs.25 lakhs each). It is not in dispute that the amount of Rs.1 crore was deposited by the four civil revision petitioners.

5.Mr.P.Elaya Rajkumar made a mention stating that the revisions have to be taken up for disposal as the amounts, that are due from the plaintiffs, are a whopping sum of Rs.130 crores. He also pleaded that each of the contract entered into between the plaintiffs and defendants, has an arbitration clause and therefore, a civil suit is not maintainable. I requested him to inform the counsel for the petitioners regarding the mentioning. Mr.P.L.Narayanan appeared on behalf of Mr.Krishnasamy.

6. At that stage, Mr.P.L.Narayanan, learned Senior Counsel, pleaded that none of the records, on the basis of which the respondents



C.R.P.(PD)Nos.5312 to 5315 of 2024

are making a claim, were issued to the plaintiffs. He states the plaintiffs are not in a position to even file a counter to the plea that has been raised by Mr.P.Elaya Rajkumar, since they are handicapped by the lack of the documents. Therefore, I directed Mr.P.Elaya Rajkumar to serve the entire set of loan documents i.e., 136 loan accounts on the learned counsel appearing for the plaintiffs and adjourned the matter.

7. When I took up the matter today for disposal, it was represented by Mr.P.Elaya Rajkumar that 107 of the 136 loan papers have been served on the learned counsel for the plaintiffs and the remaining papers are available in Bombay, which will be served before the Trial Court prior to taking up the applications for disposal.

8. Mr.P.L.Narayanan brings to my notice that the transfer of funds, by pursuant to the interim order that has been passed by this Court on 20.12.2024, were made by the plaintiffs, after raising several loans from the third parties. Hence, he pleads that the interim order granted by this Court on 20.12.2024 need not be interfered with, and the applications for injunction pending before the Trial Court may be directed to be disposed of, by continuing the order of interim injunction.



9. Mr.P.Elaya Rajkumar states that the amount being amongst the paltry sum of Rs.1 crore would not suffice.

10. I have carefully considered the submissions of Mr.P.L.Narayanan, learned Senior Counsel, for the civil revision petitioners and Mr.P.Elaya Rajkumar for the respondents. I have gone through the entire records.

11. The relationship between the parties is not in dispute as stated above. Though the amount of Rs.130 crores has been stated by the respondents, *prima facie* in so far as certain accounts are concerned, I am of the view that the amounts, which has been arrived at, require to be re-looked. I should hasten to add, I am not giving any finding on the merits of the case, as if I were to do so, it will affect the disposal of the applications by the Trial Court.

12. I have to take note of the fact that being in logistic business, the plaintiffs would have entered into back-to-back contracts with third parties. If the vehicles are seized by the respondents, it will not only lead to breach of contract by the plaintiffs, but will also affect the public, who are utilising the logistical services of the plaintiffs.



C.R.P.(PD)Nos.5312 to 5315 of 2024

13. In the light of the above discussions, I pass the following

WEB COPY order:

(i) The learned XVII Assistant Judge, City Civil Court, Chennai, is requested to take up the applications filed for injunction and dispose of the same within a period of eight weeks from the date of receipt of a copy of this order.

(ii) The interim order granted by this Court on 20.12.2024 shall continue on the condition that the plaintiffs pay a further sum of **Rs.7.5 crores** within a period of **three weeks from today** to the defendants.

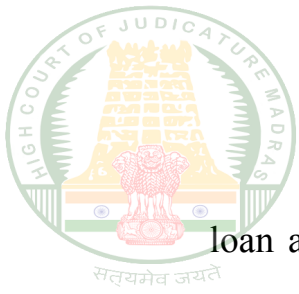
(iii) It is made clear that the time of three weeks starts from today and not from the date of receipt of a copy of this order.

(iv) The learned Trial Judge, on confirming that the amount as directed by this Court had been paid, shall thereafter take up the applications for disposal.

(v) In case, the amount of Rs.7.5 crores is not paid within the period granted by this Court, the order of injunction shall automatically stand dissolved without further notice to this Court.

(vi) It is open to both sides to file such applications, as they are advised, under the Arbitration and Conciliation Act.

(vii) The statement of Mr.P.Elaya Rajkumar that the remaining 29



C.R.P.(PD)Nos.5312 to 5315 of 2024

loan account documents will be handed over to the learned counsel for the plaintiffs within a period of ten days from today is recorded.

14. With the above directions, all the civil revision petitions stand disposed of. Consequently, connected miscellaneous petitions are closed.

28.01.2025

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

kj

To

XVII Assistant Judge, City Civil Court, Chennai.



WEB COPY



C.R.P.(PD)Nos.5312 to 5315 of 2024

V. LAKSHMINARAYANAN,J.

kj

*C.R.P.(PD)Nos.5312 to 5315 of 2024
and C.M.P.Nos.29576, 29577,
29579 & 29583 of 2024*

28.01.2025