



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

O.S.A.No. 129 of 2025
and
C.M.P.No. 8109 of 2025

Lavanya and Co.,
Rep. by its Proprietor
Ms. Lavanya
No.245/6, R.K.Mutt Road,
Mylapore, Chennai - 600 004.

.. Appellant

vs

1.N.Sankaranarayanan

2.S.Murugan

3.Karur Vysya Bank Limited,
Rep. by its Deputy General Manager,
Mr.J.Hariharan Divisional Office,
KVB Towers (I Floor)
No. 568, Anna Salai, Tynampet,
Chennai - 600 018.

4.S.Paramasivam Pillai

5.M/s. Ashoka Associates
Partnership Firm rep. by its Partner,



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Mr.V.Manthiram, Having Office
at No. 9, Davidson Street,
Chennai - 600 001.

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6.M/s. Pyramid Saimira Theatre Ltd.,
No.672, 2nd Floor, Temple Towers,
Anna Salai, Nandanam,
Chennai - 600 035.

7.The Hon'ble Receiver
Justice K.Swamidurai Aruna Theatre and
Enterprises Pvt Ltd.,
No.6, Davidson Street,
Chennai - 600 001.

8.M/s. Aruna Theatre and Enterprises Pvt Ltd.,
Rep. by its Board of Directors,
Having Regd. Office at
No.3, Pillar Road, Ashok Nagar,
Chennai – 600 083.

9.M/s. Annai Mookambigai Flour Mills Ltd.,
No.6, Davidson Street,
Chennai – 600 001.

10.K.Muthusamy

11.Mrs.N.Arunachalathammal

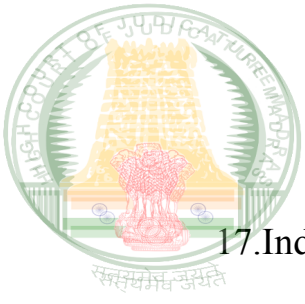
12.K.Shanmugasundaram

13.S.Ulagammal

14.M.Sharmila

15.K.Muthu Kalyanasundaram

16.S.Vallinayagam



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17.Indira Muthuvel

WEB COPY 18.S.Anandha Saraswathi

19.M.Bagavathi

20.P.Krihnamurthy

21.B.Muthulakshmi

22.M.Sundari

23.R.Vallidevi

24.K.Muthulakshmi

25.S.Indira

26.V.Bhuvaneswari

27.K.Muthu Selvakumar

28.S.Ramalingam

29.S.Sankaran

30.S.Narayanan

31.S.Paramasivam

32.S.Selvaraj

33.N.Gomathinayagam

34.Smt.P.Muthu Rajeswari

35.G.Vasugi

36.R.Lakshmi



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37.K.Murugan

38.K.Muthukrishnan

39.S.Balasubramaniam

40.M/s.Vision Global Media Entertainment Ltd.,
Rep. by its Managing Director Mr.Dinesh
No.48/1, Arcot Road, Majestic Apartments,
Saligramam, Chennai.

41.M/s. ARG Family Beneficial Trust,
Rep. by its Managing Turstee,
ARA Balasubramani
No.189/91, Chinmayananda Street,
New Fiarlands, Alagapuri,
Salem – 16.

.. Respondents

Prayer : Appeal filed under Order XXXVI Rule 1 of Original Side Rules
read with Clause 15 of Letters Patent against order dated 24.10.2017
made in Application No. 5660 of 2015 in C.S.No. 937 of 2007.

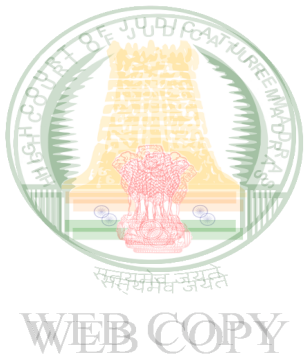
For Appellant : Mr.G.Gopalakrishnan

For Respondents : Mr.C.Uma Shankar
for R2,9,12,15,16,19,24,25,28,30 & 31

JUDGMENT

(Delivered by Dr. ANITA SUMANTH.,J)

A memo dated 17.07.2025 has been filed by Mr.Gopalakrishnan,
that reads as follows:-



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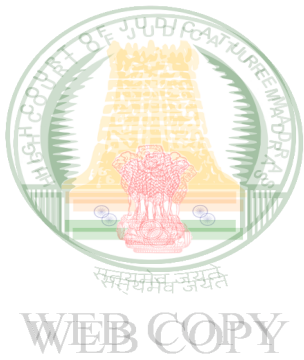
“It is submitted that the aforesaid case came up before this Hon'ble Court on 02/04/2025, 04/06/2025 and 04/07/2025. Notice was ordered and steps were taken to serve notice. However, following Respondents could not be served. Those respondents did not participate in the connected O.S.A.No.344 of 2017 also barring 38th Respondent who was the Appellant therein.

In view of these circumstances following respondents are given up and it is further submitted the order dated 10/03/2023 made in O.S.A.No.344 of 2017 enures to O.S.A.No.129 of 2025.

Rank of the Respondents sought to be give up: 1,4,5,6,7,11,21,22,26,27,33,38 and 40.”

2. In light of the aforesaid and having regard to the concurrence expressed by both Mr.Gopalakrishnan, for the Appellant and Mr.Uma Shankar, who appears for some of the respondents viz., R2,9,12,15,16,19,24,25,28,30 & 31, the other respondents having been given up, the conclusion in order dated 10.03.2023 in O.S.A.No. 344 of 2017, will apply mutatis mutandis to the present matter as well. The operative portion of that order reads as follows:-

“10.The learned Single Judge has also considered the judgment of Five Member Bench of Hon'ble Supreme Court in the case of Garpreet Singh v. Union of India reported in 2006 (8) SCC 457 for the proposition that, for any amount towards repayment of debt, appropriation will be first towards interest and thereafter, balance will be adjusted towards principal. This Court is in perfect agreement with the said proposition.



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Merely because the Creditor, namely M/s.Lavanya and Co., has conceded before this Court at the time when the parties had different proposals for settlement of dues earlier, such a concession made by M/s.Lavanya and Co. for receiving a sum of Rs.2.90 Crores towards principal cannot be a factor to reject the claim of Creditor towards liability which is admitted to be due with interest @ 14% p.a.

11. Therefore, this Court finds no merit in this appeal. Accordingly, this Original Side Appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are closed."

3. This Original Side Appeal is dismissed in terms of this order. No costs. Connected miscellaneous petition is closed.

[A.S.M., J] [N.S., J]
17.07.2025

Index:Yes/No
Neutral Citation:Yes
ssm

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.



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DR. ANITA SUMANTH, J.
and
N.SENTHILKUMAR, J.

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