



A Nos.5602 & 5603 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2025

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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

A Nos.5602 & 5603 of 2025

in

EP NO. 57 OF 2019

1. M/s.Indian Bank

Rep. by its Branch Manager, Guindy
Branch, Chennai-600 032

Applicant(s)

Vs

1. Tamiladu Small Industries Corp Ltd

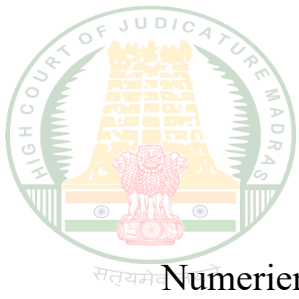
Rep. by its General Manager, A
Government of Tamilnadu Undertaking,
Thiru.Vi.Ka.Industrial Estate, Guindy,
Chennai-600 032.

2.M/s.MSAS Global Logistics India

Pvt. Ltd.,
No.4, Casa Major Road, Egmore,
Chennai-600 008.

3.M/s.Paul Leibingser GMBH & Co.

KG Special Fabriken Fur



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Numeriermerk Stelten, Donaustabe-12,
78750, MUHL HEIM / DONAU,
Germany

4.Leibinger JIT-INT Numbering
Systems And Ink
Jet Systems, 210, Virwani Industrial
Estate, Service Road, Off. Western Exp.
Highways, Goregaon (East), Mumbai
400 063

Respondent(s)

For Applicant(s): Mr.Om Prakash
Senior Counsel
for Mr.T. Sundar Rajan

For Respondent: Mr.V.R.Kamalanathan

COMMON ORDER



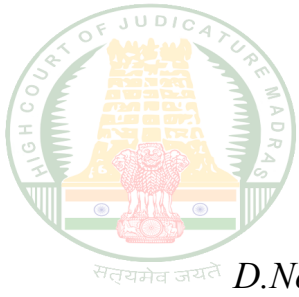
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The learned Senior Counsel Mr.Om Prakash, appearing on behalf of the applicant/judgment debtor submits that a reversal action has been sought in the present application, as the judgment debtor has not paid any money to the decree holder. The learned Senior Counsel relied upon the Full Bench judgment of Andhra Pradesh High Court in ***Bhoganadham Seshaiiah Vs. Budhi Veerabhadrayya and others reported in CDJ 1971 APHC 067.***

2. However, Mr.Kamalanathan, learned counsel appearing for the respondent submits that the suit has been decreed and was confirmed by the Hon'ble Supreme Court and even in an application filed by the judgment debtor before the Master was also dismissed. It is his further contention that the applicant/judgment debtor cannot now ask for a reversal finding as the suit has been decreed by this Court, confirmed by the Division Bench of this Court and thereafter, by the Apex Court. He relied upon the findings rendered by the Master in paragraph 6.3 on 22.08.2025 in the application filed by the judgment debtor. The same is extracted hereunder:-

“6.3. Further 1st judgment debtor has not mentioning about the adjustment of accounts either before the Hon'ble Division Bench in OSA No.156 of 2009 or before Hon'ble Supreme Court in SLP (C)



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D.No.4041/2020 and hence the stand taken by the 1st judgment debtor regarding adjustment of accounts is a belated argument and is also not substantiated with sufficient evidence. In these circumstances the contention of the 1st judgment debtor that they are entitled to claim set of as per the judgment and decree in CS No.650/1999 and taking into consideration Ex.R1 this court has to treat that the decree has been fully satisfied by them by reversing the debit entries and consequential interest charged and terminate the EP is not acceptable. Further on perusal on records it is reveal that the judgment and decree passed in CS.No.650 of 1999 as went into Hon'ble apex court and was confirmed in SLP No. Therefore the decree is obtained itself finality. This court is a executing court cannot go beyond the decree. The decree holder has stated that the movables despite in the schedule belongs to the 1st judgment debtor. The decree holder has entitled for the relief claim in EP."

3. Post on 10.12.2025 under the caption "For Arguments"

24-11-2025

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N.SENTHILKUMAR J.

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