WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 02.11.2026

Pronounced on : 12.11.2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE GK.MUTHUKUMAAR

OSA No. 302 of 2022 and CMP.No.20528 of 2022

CNR: {HCMA011498352022}

V.P.Rajini Reddy

Case QR

..Appellant(s)

Vs

1. Indian Bank
   Singapore Branch 3Raffles Place, Bharat Builiding, Singapore 048 617. Represented by Chief Manager(Law), Mr.N.Anbarasan, S/o.M.N.Nallathambi.

2. Marg International Dredging Pte Ltd
   (Singapore UEN NO.200902749N) No.10 Jalan Besar, 10-12 Sim Lim Tower, Singapore 208 787.

3. Marg Limited
   (Indian Registration NO.L45201TN1994LC029561) Marg Axis 4/318, Rajiv Gandhi Salai, Kottivakkam, Chennai 600 041.

4. Gorrepati Ramakrishna Reddy

..Respondent(s)

Original Side Appeal filed under Order XXXVI Rule 1 of OS Rules read with Clause 15 of Letters Patent to set aside the order and decree of the learned Judge dated 17.08.2022 passed in Application No.1459 of 2021 against Applcation No.1510 of 2019 in E.P.No.118 of 2017 on the file of this Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Appellant(s): Mr.V.Neethidurai
For Respondent(s): Mr.K.Krishnaswamy for R1
R2 to R4 Dismissed vide Court Order dated 05.07.2023

JUDGMENT

(Judgment of the Court was delivered by N.Sathish Kumar J.)

This appeal has been filed against the order of the learned Single Judge dismissing the application filed against the order of the learned Master passed in the execution proceedings.

2. The application was filed by the appellant, who is a third party to the proceedings, challenging the attachment order by the Court in the execution proceedings in EP.No.118 of 2017 in Suit No.946 of 2014. The appellant filed the application on the ground that she is the co-owner of the property situated at Door No.17, South Mada Street, Srinagar Colony, Saidapet. According to her, the said property was mortgaged by the appellant and the third respondent therein to Axis Bank in the year 2014 by deposit of title deeds, registered as Doc.No.672 of 2014. According to her, the decree holder is taking steps for the sale of a 50% share, and the appellant will be suffer irreparable loss if the property is brought to sale. Moreover, she contended that Axis Bank is a necessary party and has not been impleaded in the main execution petition and that the order of attachment was obtained by suppressing the earlier mortgage with Axis Bank. Hence, she sought to raise the attachment.

https://www.mhc.tn.gov.in/judis

WEB COPY

3. This application was resisted by the respondents herein. It was stated that there was no suppression of any earlier mortgage, as the encumbrance itself reflects the existing mortgage. It is an admitted fact that the decree holder initiated proceedings against the respondents 2 to 4 before the High Court of Republic of Singapore in Case No.946 of 2014 and secured a judgment in its favour, under which the fourth respondent/husband of the appellant is liable to pay a sum of USD 3816326.65 and interest on the said sum at the rate of 6 months LIBOR plus 8% per annum from 24.05.2014 to the date thereof. While passing the decree, by consent costs fixed at $7000 plus disbursements of $2012. Pursuant to the said judgment of the High Court of Republic of Singapore, the first respondent decree holder filed a Civil Suit Admiralty proceedings in CS.No.3 of 2016 for the recovery of amount of USD 43,92,384.59/- together with further interest at the rate of 6 months LIBOR and 8% per annum from the date of plaint till date of realisation in full. Subsequently, the ship CSD Marg Cauvery belonging to 2nd respondent was sold for Rs.5,75,00,000/- in a public auction. Even after giving credit to the amount realised, a sum of several crores remained due and payable to the decree holder by the appellant's husband. Consequently, the decree holder filed EP.No.118 of 2017 to recover over the balance due from the 4th respondent, who stood as a guarantor for the loan availed by M/s.Marg International Dredging Private Limited. In the said Execution Petition, an attachment was ordered in respect of a 50% share in the subject property.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. The appellant, being the wife of the fourth respondent in Execution Petition and claiming to a co-owner of the property, filed an application under Order XXI Rule 58 of CPC to raise the attachment. She contended that she holds a substantial share in the property, and therefore, the attachment order passed by the Court is illegal. She further contended that Axis Bank was not made a party, and that the judgment of the High Court of the Republic of Singapore cannot be enforced in India. The learned Master, considering Section 45 of the Transfer of Property Act and holding that by virtue of Section 44-A of the CPC, a decree of the High Court of Singapore can be executed in the same manner as a decree of a domestic civil court, dismissed the application vide order dated 26.02.2020. Aggrieved thereby, the appellant filed an appeal in A. No. 1459 of 2019 before a learned Single Judge of this Court, who, vide the impugned order dated 17.08.2022, dismissed the same. Challenging that order, the present intra-court appeal has been filed.

5. The main contention of the learned counsel for the appellant is that she has a substantial share in the property, as it was jointly purchased by her and her husband. That apart, the property was already mortgaged to Axis Bank by deposit of title deeds in 2014, which fact was suppressed when the attachment order was passed. The judgment of the High Court of Republic Singapore cannot be enforced since it is not passed on merits and that the appellant being a co-owner holds a preferential right to purchase the property, therefore, the property cannot be attached.

https://www.mhc.tn.gov.in/judis

WEB COPY

6. Per contra, the learned counsel for the first respondent submitted that the appellant holds only a 50% share, and what has been attached is the remaining 50% share belonging to the appellant's husband, who stood as a guarantor. The judgment of the High Court of the Republic of Singapore was passed on merits: documentary exhibits were considered, costs were imposed, the defence of the third defendant has been taken note of, and the defendant has also contested the matter and filed defence, therefore, the appeal is merely a dilatory tactic intended to stall the execution proceedings.

7. Heard the leaned counsel for the appellant and the learned counsel for the first respondent and perused the materials placed on record.

8. In light of the above, now the point that arise for consideration in this appeal is whether the decree and judgment of the High Court of Republic Singapore in Suit No.946 of 2014 is enforceable in India?

9. The execution petition has been levied on the basis of the judgment of High Court of the Republic of Singapore for recovery of decretal amount. It is relevant to note that apart from decree of High Court of Republic of Singapore, Admiralty Civil Suit proceedings in CS.No.3 of 2016 was filed by the decree holder claiming for recovery of amount of USD 43,92,384.59/- together with further interest at the rate of 6 months LIBOR and 8% per annum from the date of plaint till date of realisation in full. In the said suit, a sum of Rs.5,75,00,000/- was realised through the sale of a ship belonging to the second respondent. To realise the balance amount payable under the decree, the execution petition was

https://www.mhc.tn.gov.in/judis

WEB COPY

filed based on the decree passed in High Court of Republic of Singapore, wherein, attachment was ordered against the 50% share of the property belonging to the judgment debtor namely the husband of the appellant, who stood as guarantor.

10. The main contention of the appellant is that since the property is already mortgaged with the Axis Bank, the attachment is not valid. It is relevant to note that it is for the earlier mortgagee to raise such dispute. Even assuming that the earlier mortgage is in existence, it is for the earlier mortgagee to claim it. No doubt, each later attachment is always subject to interest and right already created, in the absence of a special contract or reservation binding earlier transferees as per Section 48 of the Transfer of Property Act. Admittedly, the subject property stands in the name of the appellant and the fourth respondent. Though it is contended by the learned counsel for the appellant that the appellant has more share in the property, absolutely, there is no materials to substantiate her claim. When a property is jointly purchased, in the absence of any evidence as to the interests in the fund to which they were respectively, entitled, or as to the shares which they respectively advanced, such persons shall be presumed to be equally interested in the property as per Section 45 of the Transfer of Property Act. Therefore, we are of the view that attachment effected by the execution court cannot be found fault with.

11. Another contention of the learned counsel for the appellant that the decree of the High Court of Republic of Singapore cannot be enforced since it is

https://www.mhc.tn.gov.in/judis

WEB COPY

not based on merits is concerned, Section 13 of the CPC deals with foreign judgment. Section 13 of CPC reads as follows:-

> *13. When foreign judgment not conclusive-A foreign judgment shall be conclusive as to any matter thereby directly adjudicated upon between the same parties or between parties under whom they or any of them claim litigating under the same title except-*
> *(a)where it has not been pronounced by a Court of competent jurisdiction;*
> *(b)where it has not been given on the merits of the case;*
> *(c)where it appears on the face of the proceedings to be founded on an incorrect view of international law or a refusal to recognise the law of [India] in cases in which such law is applicable;*
> *(d)where the proceedings in which the judgment was obtained are opposed to natural justice;*
> *(e)where it has been obtained by fraud;*
> *(f)where it sustains a claim founded on a breach of any law in force in India.*

12. The learned counsel for the appellant emphasised that the judgment of the High Court of Republic of Singapore cannot be enforced since it is not based on merits. The judgment of High Court of Republic of Singapore dated 16.02.2015 in Case No.946 of 2014 reads as follows:-

> *Upon the application of the plaintiff herein made by way of summons No. 6171 of 2014 coming on for hearing this day, and upon reading the affidavit of S Sukumaran Menon and Meyyappan Umayal filed on 12 December 2014 together with the exhibits therein referred to, and upon hearing counsel for the Plaintiff and counsel for the 3rd Defendant,*
> *It is ordered that:*
> *1. Judgment be given to the Plaintiff against the 3rd Defendant for:*
> *a. the sum of USD3,816,326.68;*
> *b.interest on the said sum of USD3,816,326,68 at the rate of 6 months LIBOR plus 8% per annum from 24 May 2014 to the date hereof; and*
> *c. by consent, costs fixed at S$7,000.00 plus disbursements of S$2,012.00.*

https://www.mhc.tn.gov.in/judis

WEB COPY

13. On careful perusal of the judgment makes it clear that the third defendant was represented by the counsel and he has also filed a defence statement. The High Court of the Republic of Singapore considered the evidence adduced through affidavits, examined the exhibited documents, and heard counsel for the third defendant before passing the order. Merely because the judgment is very brief, it cannot be said that order is not passed on merits. The third defendant/husband of the appellant had participated in the proceedings. It is not the case of the appellant that her husband was deprived of an opportunity to present his case; in fact, her husband had appeared through lawyer and arguments were also heard. It is well settled that even an *ex parte* judgment in favour of the plaintiff may be deemed to be a judgment given on merits, if some evidence is adduced on behalf of the plaintiff and the judgment, however brief, is passed on a consideration of that evidence. Admittedly, the above judgment clearly shows that exhibits have been considered by the Court and order has been passed. Therefore, it cannot be said that the judgment has not been passed on merits. Admittedly, the Republic of Singapore is a reciprocating territory as per Section 44-A of the CPC. In such view of the matter, the decree obtained in the High Court of Republic of Singapore can be executed in India as if it had been passed by the District Court. It is also relevant to note that appellant husband also filed similar application and the same was already dismissed.

https://www.mhc.tn.gov.in/judis

WEB COPY

14. Considering all these aspects, we find that the applications have been filed solely to delay the execution proceedings and we do not find any merits in this appeal.

15. Accordingly, this appeal stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

(N.S.K.,J.) (G.K.M.,J.)
-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
dhk

https://www.mhc.tn.gov.in/judis

WEB COPY

N.SATHISH KUMAR, J.
AND
GK.MUTHUKUMAAR, J.

dhk

OSA No. 302 of 2022

-11-2026

https://www.mhc.tn.gov.in/judis