

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2017

CORAM

THE HON'BLE MR.JUSTICE P.VELMURUGAN

C.S.No.93 of 2004

M/s. Concrete Products and
Construction Company
Rep. By its Partners

1. K.V.George
2. K.Jacob

.. Plaintiffs

Versus

- 1 Union of India owning the
Indian Railways, Rep by its
General Manager, Southern Railway,
Chennai 600 003.

- 2 Division Railway Manager (Works)
Southern Railway,
Chennai 600 003.

.. Defendants

Prayer: Civil Suit filed under Order IV Rule 1 of Original Side Rules 1956 read with Order VII Rule 1 CPC praying for the following judgment and decree against the defendants.

- (i) Declaring that the minutes dated 8.2.2002 arrived at in the meeting between the plaintiff and the defendants as the agreement determining the quantum or licence fee payable for the occupancy of the suit property is valid and final and binding on plaintiff and the defendants;
- (ii) Declaring that the impugned communications

dated 13.11.2002 and 14.01.2004 of the second defendant as invalid and inoperative;

- (iii) To grant a decree of permanent injunction restraining the defendants from making any claim of licence fee other than the rate and quantum determined as per the agreement dated 8.2.2002 for the licensed occupation of the suit property;
- (iv) Directing the defendants to pay the cost of the Suit.

For Plaintiff : Mr.A.Jenasenan

For Defendants : Mr.V.G.Suresh Kumar

JUDGMENT

It is seen from the adjudication before the learned Additional Master-II, is that the plaintiffs are absent for three continuous hearings, which shows that the plaintiffs are not interested in proceeding with the suit. Hence the matter is referred to this Court.

2. Today, the learned counsel for the plaintiffs submitted that due to personal inconvenience, the plaintiffs are not able to appear before the learned Additional Master-II for recording of evidence.

2. However, already sufficient opportunities have been given to the plaintiffs, they have not filed any proof affidavit and documents.

3. Therefore, the Suit is dismissed for default. No costs.

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jv
Index: Yes/No
Internet:Yes/No

P.VELMURUGAN,J.

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