

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

C.S.No.490 of 2009

And

A.No. 2571 of 2009

O.A.No. 606 of 2009

A.No. 6378 of 2009

1. K.S.Rangachari
2. P.S.Suganthi ... Plaintiffs

Vs.

1. Indian Bank
Dr.Alagappa Road Branch
Purasawalkam, Chennai – 84,
Represented by its Chief Manager
2. Indian Bank
Asset Recovery Management
Branch, 55, Ethiraj Salai
Egmore, Chennai – 600 008
Represented by its Assistant
General Manager
3. K.Kamalanathan
4. S.Rajeswari

(4th defendant impleaded as party defendant as per order of Court dated 23.08.2010 in A.No. 5371/2009 and extended by an order dated 18.11.2010 in A.No. 6378 of 2009).

... Defendants

PRAYER: This Civil Suit filed under Order IV Rule 1 O.S. Rules and Order VII Rule 1 and Order I Rule 8(1) CPC and Section 31 of Specific Relief Act, 1963, praying for the following reliefs:

(a) setting aside the instrument, namely the exparte decree dated 14.08.2001 passed by the Debt Recovery Tribunal -II, Chennai, for a sum of Rs.49,92,722.03 in O.A.No. 648/2001 (Old O.A.No. 1387/1998 DRT:-I, Chennai), as the same was obtained by misrepresentation, suppression of vital material facts, and is tainted with illegality;

(b) for a permanent injunction restraining the defendants 1 and 2 from enforcing the exparte decree dated 14.08.2001 obtained in O.A.No. 648 of 2001 against the registered owners, namely the plaintiffs' and others properties, who were not the parties to the said decree; and

(c) directing the defendants to pay the costs of this suit.

For Plaintiff : No appearance

JUDGMENT

No representation for the plaintiff on the previous occasion. The matter has been posted today under the caption 'for dismissal' after sufficient opportunity had

been given. Today also, there is no representation on behalf of the plaintiff.

2. It is clear that the plaintiff is not interested in proceeding with the suit. Hence, this Civil Suit is dismissed for non-prosecution. Consequently, connected applications are closed.

22.11.2016

vsg

C.V.KARTHIKEYAN , J.

vsg

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