

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2016

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.927 of 2008

K.Manikandan
S.Nithyandam

.. Plaintiffs

Versus

1. The South Indian Vaniar Trust
Rep. by its Secretary
2. R.Veloo
3. C.Madasamy

.. Defendants

The plaint is filed and numbered as Civil Suit under order IV Rule 1 of OS Rules r/w Order VII Rule 1 of CPC, praying for a judgment and decree:

- a) directing the defendants 2 & 3 to render accounts for a sum of Rs.10,00,000/- drawn on 29.04.2008 on their behalf, to the 1st defendant trust.
- b) granting perpetual restraining the defendants 2 & 3 from acting as president and treasurer of the South Indian Vaniar Trust Chennai, respectively.
- c) award the cost of this suit.

For Plaintiffs	: M/s.S.Ramachandran
For Defendants	: No Appearance

JUDGMENT

Originally the matter was posted before the learned Additional Master I, on 26.11.2015, for recording evidence. The plaintiff has not appeared before the learned Additional Master I, but got adjournments till 25.01.2016. On 25.01.2016 also, there is no representation from the plaintiff side. Hence, the matter is again posted before this Court. Today, when the matter is taken up for hearing, the learned counsel appearing for the plaintiff has submitted that the plaintiff is not co-operating, hence he prayed that any order may be passed.

2. On perusal of the plaint, it clearly shows that the suit itself is for rendition of account for a sum of rupees 10 lakhs. As the suit is only for a sum of Rs.10 lakhs, its pecuniary jurisdiction, which lies only with the City Civil Court at any event. Moreover, The conduct of the plaintiff clearly shows that he is not interested in prosecuting the case. Hence, the suit is dismissed for non prosecution. No costs.

01.12.2016

pvs

N.Sathish Kumar, J.,
pvs

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