

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

O.S.A. No.332 of 2009

Tidel Park Coimbatore Ltd.,
1st Floor-Tidel Park,
4, Rajiv Gandhi Salai,
Taramani, Chennai 600 113. ... Appellant

-vs-

1.Consolidated Construction Consortium
Ltd., Rep. By its Managing Director/,
Power of Attorney, S.Sivaramakrishnan.

2.Bank of Baroda
T.Nagar Branch,
No.74, Thyagaraya Road,
Chennai 600 017. ... Respondents

Appeal filed under Order XXXVI Rule 9 of O.S. Rules read with Clause 15 of the Letters Patent against the order dated 22.06.2009 passed in Application No.3059 of 2008 in C.S.No.571 of 2008 on the file of original side of this Court.

For Appellant : Mr.Jose John
for M/s.King & Partridge
For Respondents : Mr.S.S.Rajesh for R-1
: Mr.P.V.Ramachandran for R-2

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

The impugned order is dismissing the application for rejection of plaint predicated on a plea of bar of suit in view of the provisions of the Tamil Nadu Transparency in Tenders Act, 1998. Learned Single Judge has found against the appellant and opined that the suit must continue.

2.We are informed that the issue regarding maintenance of the suit has already been framed and the plaintiff's evidence is already commenced. Learned counsel for the appellant states that his only apprehension is that the observations made in the impugned order should not come in the way of his proving the issue framed regarding maintainability of the suit.

3.The impugned order being interlocutory in character, naturally it may not prejudice the position post trial on the issue whether the suit is maintainable or not.

4.Original Side Appeal is, accordingly, disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sra
To

The Sub Assistant Registrar,
Original Side, Madras High Court,
Chennai.

+ 2 ccs to Mr.S.S. Rajesh, Advocate Sr.53974

O.S.A.No.332 of 2009

CRR(CO)
EU 28.09.16

सत्यमेव जयते

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