

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2017

CORAM :

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.S.No.551 of 1997

M/s.Indian Molasses Company Ltd.,
No.109, G.N.Chetty Road,
T.Nagar, Chennai-17.
rep by its Deputy Manager (Finance & Accounts)
Mr.Seetharama Raju.

... Plaintiff

Vs.

M/s.Thungabadra Sugar Works Ltd.,
(presently M/s.Devi sugars Ltd.,)
No.33, Nungambakkam High Road,
Madras - 34.

2.Mr.M.Sivaram
Chairman,
M/s.Thungabadra Sugar Works Ltd,
No.6, Haddows Road, First Street,
Madras - 6.

3.Mr.P.Rajarathnam
Vice Chairman
M/s.Thungabadra Sugar Works Ltd,
No.6, Haddows Road, First Street,
Madras - 6.

4.Mr.N.Ponnusamy

5.Mr.N.Subramaniam

... Defendants

Prayer: This Civil Suit is filed under Order XXXVII Rule 1 of the Original Side Rules and Order XXIV Rule 1 CPC : to direct the defendants to pay the sum of Rs.1,12,65,168/- being the amount payable by them towards principle and overdue interest; to pay future interest on Rs.44,37,000/- at the rate of 30% per annum compounded monthly, till the date of realisation as the cause being commercial; failing which for a direction to sell the mortgaged property by auction and appropriate the sale proceeds towards the decree amount; if the sale proceeds are not sufficient to fulfill the decree amount, to pass a personal decree on the defendants and for costs.

For plaintiff : Mr.S.Venkatesan
For defendants : Mr.K.Kannan for D1.
Mr.S.R.Rajagopal for D2 & D5.
Mr.R.Yasodvardhan for D3.
No appearance for D4.

J U D G M E N T

On perusal of records would show that this Court passed an order dated 25.09.2015 itself, for recording evidence within twelve weeks. Once again on 22.11.2016, this Court granted three more weeks time for recording evidence.

2.The docket order of the Master would reveal that the plaintiff has not even filed proof affidavit for PW1, hence, the Master referred the suit before this Court. Issues were also framed on 25.09.2015, more than fifteen months were over, the plaintiff has not taken any steps to file the proof affidavit and witnesses. Hence, the suit is dismissed for non prosecution. No costs.

23.01.2017.

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Index : Yes/No
Internet : Yes/No

P.VELMURUGAN, J.

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