

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.S.No.50 of 2004

The Tata Iron and Steel Company Limited
rep. Herein by its Head-Legal
Services – cum- Power of Attorney Holder
Mr.Ravi Suryavanshi ...Plaintiff

Vs.

Suresh Chand
Proprietor
M/s.Pankaj Sales Corporation ...Defendant

PRAYER: Civil Suit is filed under Order IV Rule 1 of O.S.Rules r/w.
Sec.26 r/w. Order VII Rule 1 of CPC to pass a decree and judgment
against the defendant directing the defendant to pay to the plaintiff
the sum of Rs.54,52,721.73/-with interest at 18% p.a., on
Rs.54,52,721.73/- from this date till date of realisation in full and
(b) to direct the defendant to pay to the
plaintiff the cost of this suit.

For Plaintiff : Mr. K.K.Muralidharan

For Defendant No.1 : Mr.S.Sathish

For Defendant No.2 : Unserved

JUDGMENT

On perusal of the records, it is revealed that in the year 2014 itself, the matter was referred to the learned Master for recording evidence. Diary notes of the learned Additional Master III dated 20.11.14 shows that the plaintiff has not filed affidavit for chief examination and hence, this matter was referred to this court. When the matter came up before this court on 03.12.2014, this court has directed the Registry to place the matter before the learned Additional Master III on 10.12.2014. When the matter came up before the learned Additional Master III on 10.12.2014, they have not cooperated but only filed an affidavit on 08.01.2015. Then the plaintiff appeared before the learned Additional Master III on 08.01.2015 and filed the proof affidavit for Chief Examination and marked the documents. Due to non-appearance and non-cooperation of the plaintiff, the matter was again referred to this court.

2. Again when the matter came up before this court for hearing on 25.09.2015, this court has directed the plaintiff to appear before the learned Master on 29.09.2015. From 29.09.2015 onwards, when the matter was posted before the learned Additional Master III, the plaintiff has not appeared and not cooperated for cross examination. Therefore, once again, the learned Additional Master III has referred this matter before this court. From

29.09.2015 to 14.12.2016, the plaintiff has not cooperated before the learned Master for cross examination. Therefore, on 14.12.2016, the learned Master again referred the matter before this court. From 20.06.2014 till 14.12.2016, the plaintiff has not even completed one witness and he has not appeared for cross examination which shows that he is not interested to proceed the case further. The directions given by this court is not complied with and therefore, the suit is dismissed for default. No costs.

05.01.2017

gv

P.VELMURUGAN.,J.
gv

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