

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2017

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.S.No.630 of 1999

M/s Cholamandalam Investment &
Finance Company Limited,
TIAM House, 28 Rajaji Salai,
Chennai – 600 001.

rep. by its Authorised Signatory

.. Plaintiff

Vs.

1. ACE Garment Export Limited,
rep. by its Managing Director S.Thiyagarajan

2. Mr.S.Thiyagarajan

3. Mrs.Jayalakshmi Ammal

4. M/s Tusk Exports

5. Mrs.Usha Thiyagarajan

.. Defendants

Prayer : Complaint has been filed and numbered in C.S.No.630 of 1999
praying for judgment and decree as follows:-

a) to pay a sum of Rs.41,59,579/- (Rupees forty one lakhs fifty
nine thousand five hundred and seventy nine only) together with
interest thereon at the rate of 30% on Rs.25,18,906/- (Rupees twenty

five lakhs eighteen thousand nine hundred and six only) from 12.02.1998 within a date specified by this Hon'ble Court.

b) In default of payment of the sum as per prayer (a) above to order sale of the schedule property and adjust the sale proceeds after defraying the expenses of sale towards the amount due and payable by the defendants 1 to 5;

c) to pass a personal decree against the defendants 1 to 5 for payment of any short fall amount that may arises after adjusting the sale proceeds.

d) for costs of the suit

For the Plaintiff : No appearance

For the Defendants : Set ex-parte

JUDGMENT

In this case, the defendants were already set ex-parte. The matter has already been directed to be posted before the Additional Master II for recording ex-parte evidence.

2. Order of the Additional Master-II shows that there was no representation on the side of the plaintiff before him.

3. Therefore, the Additional Master-II has again referred the matter before this Court. Despite, sufficient opportunity given to the plaintiff, the plaintiff has not chosen to substantiate his claim by oral and documentary evidence. Hence, the Civil Suit is dismissed for non prosecution. No costs.

02.02.2017

Index : Yes/No
Internet : Yes/No
adl

P.VELMURUGAN,J.

adl

C.S.No.630 of 1999

02.02.2017

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