

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2017

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A.No.43 of 2017

1. M/s.Tharakan & Associates,
Rep. by its Proprietor,
VarugheseTharakan
No.232 & 234, Plaza Centre,
2nd Floor, No.129, G.N.Chetty Road,
Chennai - 600 006.
 2. M/s.Tharakan Consulting
Rep. by its Proprietrix
Shoba Varughese
No.232 & 234, Palaza Centre, 2nd floor,
No.129, G.N.Chetty Road,
Chennai - 600 006.
 3. M/s.Lighthouse Business Solutions,
Rep. by its Proprietrix
Mrs.G.Viralakshi
No.232 & 234, Palaza Centre, 2nd floor
No.129, G.N.Chetty Road,
Chennai - 600 006. ... Appellants / Plaintiffs
- versus
1. M/s.Brilliant Tutorials Pvt. Ltd.,
Rep. by its Director,
Vasanthi Neelakantan
No.24, Gilchrist Avenue,
Harrington Road, Chetpet,
Chennai - 600 031.
 2. Mrs.Vasanthi Neelakantan ... Respondents / Defendants

Prayer : This appeal filed under Order 43, Rule 1 of C.P.C. praying to set aside the order dated 22.08.2016 in I.A.No.156 of 2015 in O.S.No.1332 of 2013 on the file of the learned XV Additional City Civil Judge, Chennai.

For Appellants : Mr.T.Mahendran
For Respondents : Mr.U.Prasanna
for M/s.Sai Bharath & Ilan

JUDGMENT

The plaintiffs filed the suit in O.S.No. 1332 of 2013, for recovery of money due to them, being the professional charges for the consultancy charges rendered by them and for other consequential reliefs. On 07.07.2015, the suit was dismissed for default. Application in I.A.No.156 of 2015 was filed to restore the suit which was dismissed on 22.08.2016. Challenging the same, this appeal has been filed.

2. During the course of arguments, an assurance was made on the part of the appellants that they will ensure and co-operate for speedy disposal of the suit in O.S.No.1332 of 2013, provided an undertaking is given by the respondents that there is no objection to allow the application in I.A.No.156 of 2015 in O.S.No.1332 of 2013, seeking restoration of the suit, which was dismissed for default on 22.08.2016.

3. The learned counsel for the respondents would submit that it was only the appellants, who were interested in dragging on the matter and if really, the appellants are vigilant and vibrant in prosecuting the case and subject to a direction for speedy disposal of a suit, the respondents may not object for the restoration of the suit.

4. Recording the same, the order dated 22.08.2016, passed in I.A.No.156 of 2015 in O.S.No.1332 of 2013, is hereby set aside. The suit is hereby restored.

5. The Trial Court is directed to dispose of the suit within a period of three months from the date of receipt of a copy of this Judgment.

6. The application filed to receive the additional documents under Order 13 Rule 2 of C.P.C. shall be considered on merits and if the application is allowed, the documents may be ordered to be received, subject to proof and relevancy.

7. In the result, the Civil Miscellaneous Appeal is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. XV Additional City Civil Judge,
Chennai.

C.M.A.No.43 of 2017

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