

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 11RD DAY OF JULY 2017

THE HON'BLE MRS. JUSTICE C.V.KARTHIKEYAN

A.No.2831 of 2017

in

C.S.No.315 of 2016

C.S.No.315 of 2016:

Hansum India Electronics Pvt. Ltd.,

Rep. By its Director

Having its Office at

No.62 B, Ormes Road,

Kilpauk, Chennai-600 010.

...Plaintiff

-Vs-

M/s.Rangani Engineering Pvt. Ltd.,

Rep. By its Director,

Survey No.258, Plot No.5 to 11,

Village Shopar, (Veraval),

Gujarat-360 002.

...Defendant

A.NO.2831 OF 2017:

Hansum India Electronics Pvt. Ltd.,

Rep. By its Director

Having its Office at

No.62 B, Ormes Road,

Kilpauk, Chennai-600 010.

...Applicant/Plaintiff

-Vs-

M/s.Rangani Engineering Pvt. Ltd.,
Rep. By its Director,
Survey No.258, Plot No.5 to 11,
Village Shopar, (Veraval),
Gujarat-360 002.

...Respondent/Defendant

This Application praying that this Hon'ble Court be pleased to an order to set aside the order dated 25-10-2016 made in Application No.2475 of 2015 and reopen the same be not passed.

This application coming on this day before this court for hearing, the court made the following order:

Applicant in A.No.2475 of 2016 in C.S.No.315 of 2016 has come forward with the present application in A.No.2381 of 2017.

2. C.S.No.315 of 2016 has been filed for recovery of a sum of Rs.1,17,13,361.17 together with interest @ 18% p.a and for costs. The cause of action for instituting the said suit was the supply of machinery for installation at Yangon and when the plaintiff had placed a purchase order with the defendant, he had paid the amount towards the same, and subsequently, the plaintiff had shifted the machinery. It is also stated that the machineries supplied, did not function due to the defective manufacturing. It is also stated that the machinery was rejected and was lying at Yangon at the risk of the defendant. Claiming breach of contract and damages and quantifying the same, the suit has been claimed.

3. Pending the suit, the applicant had filed two applications A.No.2674 of 2016 and A.No.2675 of 2016. A.No.2674 of 2016 was filed for a direction to furnish Bank Guarantee towards the suit claim and on failure, to attach before judgment the machineries at Survey No.258, Plot No.5 to 11, Village Shopar (Veravai) Gujarat. This Court, while considering the application in A.No.2674 of 2016, by order dated 25.10.2016, had issued notice to the respondent, which was served and the name of the respondent had also been printed in the cause list, but there was no representation. Taking note of non-representation, this Court had directed attachment of the property at Gujarat. At the same time, this Court had also taken up Application No.2675 of 2016, which was for entirely different prayer and was for a permission to sell the machineries, which were lying at Yangon, Myanmar. After publication of notice to the respondent / defendant, this Court stated that since orders have been passed in Application No.2674 of 2016, Application No.2675 of 2016 is closed, as no further order is necessary. Claiming that the said order has to be set aside and the application has to be re-heard, the present application in A.No.2831 of 2017 had been filed by the applicant.

4. In this application, notice was issued and the learned counsel for the respondent sought time to file

counter. Counter has not yet been filed. Consequently, this application is allowed and Application No.2675 of 2016 is restored back for further hearing.

sd/-C.V.K.J

11.07.2017

//Certified to be a true copy//

Dated this the th day of 2016.

EM/13.07.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.