

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 24TH DAY OF JANUARY 2017

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

A.No.4 of 2017

in

C.S.No.192 of 2010

**C.S.No.192 of 2010**

P.Suryanarayana  
No 21,Rukmanidevi Colony, Phase-II,  
Wellington Enclave,  
West Maredpally,  
Secunderabad-500 026  
Rep. By Power of Attorney R.Girija Shankar

...Plaintiff

Vs

1.Punjab National Bank  
Triplicane Branch,  
No.50,Sigarachari Street,  
Triplicane,  
Chennai-600 005  
Rep. By its Branch Manager

2.Sunnex Commercial Pvt Ltd  
36,Neeliveera Street  
Triplicane,  
Chennai 600 005.

3.P.Sudharshan  
E-42,Manish Complex,  
10 Convent Road,  
Richmond Towers,  
Bangalore-560 025.

4.P.Sundareshwar,  
B-26,Appaswamy Tower,  
17,Thyagaraya Road,  
T.Nagar,  
Chennai-600 017.

5.P.Sugunasekhar  
No.502,"Gauthami Emerald"  
Gauthami Enclave,  
Botanical garden's lane,  
Kondapur,Hyderabad-500 084.

6.M.Kanakadurga  
No.153,Sterling Court  
Sappers Lines,Balamari,  
Secunderabad-500 003.

...defendants

**A.No.4 of 2017**

Punjab National Bank  
Triplicane Branch,  
No.50,Sigarachari Street,  
Triplicane,  
Chennai-600 005  
Know Asset Recovery  
Management Branch

..Applicant/1<sup>st</sup> Respondent

Vs

1.P.Suryanarayana  
 No 21,Rukmanidevi Colony, Phase-II,  
 Wellington Enclave,  
 West Maredpally,  
 Secunderabed-500 026  
 Rep. By Power of Attorney R.Girija Shankar

..1<sup>st</sup> Respondent/Plaintiff

2.Sunnex Commercial Pvt Ltd  
 36,Neeliveera Street  
 Triplicane,  
 Chennai 600 005.

3.P.Sudharshan  
 E-42,Manish Comples,  
 10 Convent Road,  
 Richmond Towers,  
 Bangalore-560 025.

4.P.Sundareshwar,  
 B-26,Appaswamy Tower,  
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5.P.Sugunasekhar  
 No.502,"Gauthami Emerald"  
 Gauthami Enclave,  
 Botanical garden's lane,  
 Kondapur,Hyderabad-500 084.

6.M.Kanakadurga  
 No.153,Sterling Court  
 Sappers Lines,Balamari,  
 Secunderabad-500 003.

...Respondents

Application praying that this Hon'ble Court be pleased to

restore the order dated 06.09.2016 is Application No.1865 of 2016 and thus render justice.

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

Application No.4 of 2017 has been filed to restore the Application No.1865 of 2015 which was dismissed for default on 06.09.2016. Though an opportunity has been granted for two separate occasions for filing counter, counter has not been filed. Even otherwise a perusal of the affidavit filed in support of the application reveals that the deponent of the affidavit, who is the Chief Manager of Punjab National Bank, has stated that the present suit has nullified the order passed by the Recovery Tribunal and the Application No.1865 of 2015 had been filed to reject the plaint. In fact, the first respondent herein has not filed the counter in Application No.1865 of 2015. However, owing to personal inconvenience to the counsel for plaintiff, there was no representation before this Court on 06.09.2016 and hence, the application No.1865 of 2015 was dismissed for default.

2.On the grounds of bona-fide and also on the ground that the averments made in the affidavit have not been challenged by filing any counter, this application No.4 of 2017 is allowed. No costs.

Sd/.C.V.K.J  
24.01.2017

//Certified to be a true copy//

Dated this the                      day of                      2017.

MD/27.01.2017

COURT OFFICER

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Order/Judgment Decree in this format.