

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 13.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.Nos.814 to 817 of 2009

and

Application No.700 of 2017

M/s.Industria Conciaria Virginia SpA
(formerly and prior to merger
M/s.Conceria Virginia SPA)
Rep. by its Power of Attorney
Mr.Mohammad Resa Khalili

... Plaintiff
in
C.S.Nos.814,
815, 816 and
817 of 2009

Versus

M/s.Conceria Virginia Chennai Pvt. Ltd.,
No.50, Raja Muthiah Road,
Periamet,
Chennai – 600 033.

... Defendant
in
C.S.No.814,
815, 816 and
817 of 2009

PRAYER IN C.S.No.814 of 2009: The Civil Suit filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 Civil Procedure Code for the following reliefs :-

a) Directing the defendant to pay to the plaintiff the sums of Euros 50.779,00, Euros 49.456,10, Euros 38.568,00, Euros 56.151,00, Euros 49.640,00, Euros 27.568,00 and Euros 12.882,14 aggregating to Euros 2,85,044.24 equivalent to INR Rs.1,90,97,964/- (as of 1 Euro – Rs.67.00

on 19.06.2009) together with interest @ 12% per annum from the date of plaint to the date of decree amounting to Rs.64,35,583/-. The amount is due with interest thereon aggregating to Rs.2,55,33,547/- together with further interest @ 12% per annum from the date of plaint till date of decree and thereafter @ 8% from the decree to the date of realization and

b) Directing the defendant to pay to the plaintiff the costs of the suit.

PRAYER IN C.S.No.815 of 2009: The Civil Suit filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 Civil Procedure Code for the following reliefs :-

a) Directing the defendant to pay to the plaintiff the sums of Euros 16,078.48, Euros 6,330.78 and Euros 56,672.90 aggregating to Euros 79,082.16, equivalent to INR Rs.52,98,505/- (as of 1 Euro – Rs.67.00 on 19.06.2009) together with interest @ 12% per annum from the date of plaint to the date of decree amounting to Rs.18,93,338/-. The amount is due with interest thereon aggregating to Rs.71,91,843/- together with further interest @ 12% per annum from the date of plaint till date of decree and thereafter @ 6% from the decree to the date of realization and

b) Directing the defendant to pay to the plaintiff the costs of the suit.

PRAYER IN C.S.No.816 of 2009: The Civil Suit filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 Civil Procedure Code for the following reliefs :-

a) Directing the defendant to pay to the plaintiff the sums of Euros 5,038.00 and Euros 53,022.23 aggregating to Euros 58,060.23, equivalent to INR Rs.38,70,876/- (as of 1 Euro – Rs.66.67 on 15.06.2009) together with interest @ 12% per annum from the date of plaint to the date of decree amounting to Rs.14,12,870/-. The amount is due with interest thereon aggregating to Rs.52,83,746/- together with further interest @ 12% per annum and thereafter @ 6% from the decree to the date of realization and

b) Directing the defendant to pay to the plaintiff the costs of the suit.

PRAYER IN C.S.No.819 of 2009: The Civil Suit filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 Civil Procedure Code for the following reliefs :-

a) Directing the defendant to pay to the plaintiff the sums of Euros 67,129.28, Euros 11,581.83, Euros 1,998.97, Euros 14,240.34, Euros 12,400.52, Euros 4,362.42, Euros 12,802.50, Euros 46,793.87, Euros 12,725.37, Euros 4,282.72, Euros 5,516.66 and Euros 1,214.75, aggregating to Euros 1,95,049.23, equivalent to INR Rs.1,30,68,299/- (as of 1 Euro – Rs.67.00 on 19.06.2009) together with interest @ 12% per annum from the date of plaint to the date of decree amounting to Rs.41,21,606/-. The amount is due with interest thereon aggregating to Rs.1,71,89,905/- together with further interest @ 12% per annum and thereafter @ 6% from the decree to the date of realization and

b) Directing the defendant to pay to the plaintiff the costs of the suit.

For Plaintiff in

C.S.Nos.814 to 817 of 2009 : Mr.M.Muthukumar

For Defendant in

C.S.Nos.814 to 817 of 2009 : Mr.P.R.Raman

COMMON JUDGMENT

The learned counsel for the plaintiff has been continuously stating that there are no instructions. Application has also been filed by the defendant to reject the plaint. There is no effective progress in the suit from the year 2009 onwards. It is seen that the plaintiff is not interested in continuing with the case. The fact that the learned counsel for the

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plaintiff is present on every hearing dates and has reported “no instructions”, without filing any memo in that regard is also noted. Therefore, C.S.No.814 of 2009, C.S.No.815 of 2009, C.S.No.816 of 2009 and C.S.No.817 of 2009 are dismissed for non-prosecution, No costs. Consequently, application No.700 of 2017 is closed.

13.02.2017

Index:yes/no
Internet:yes
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C.S.Nos.814 to 817 of 2009
and
Application No.700 of 2017

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