

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Dated : 07.12.2017****Coram:****The Honourable Mr. Justice M. SUNDAR****C.S.No. 800 of 2013**

M/s. EDAC Automation Limited,
Represented by its CHIEF OPERATIONS OFFICER Mr. K. Vimal Kumar,
Spic House, No.88, Mount Road, Guindy,
Chennai – 600 032.

...Plaintiff

Versus

M/s. Sonvans Instrumentation and Controls Pvt. Ltd.,
Engineers and Contractors,
Represented by its Managing Director,
Mr. Kishore Raghuvanshi,
18, Bangal Corner, Balaji Nagar,
Pune Sathara Road, Dhankawadi,
Pune – 411 043.

...Defendant

Prayer :

This Complaint is filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 of Civil Procedure Code praying to pass a judgment and decree directing the defendant to pay a sum of Rs.1,26,03,937/- together with future interest at the rate of 24% per annum from the date of complaint till date of realization and costs of the suit.

For Plaintiff : No Appearance

For Defendant : No Appearance

ORDER

1. Read this in conjunction with earlier proceedings of this Court dated 05.12.2017. I deem it appropriate to extract the earlier proceedings of this Court, dated 05.12.2017, which reads as follows:

“There is no representation for both sides. Post the matter under the caption 'For Dismissal' tomorrow i.e., 06.12.2017.”

1.1. Today, pursuant to my aforesaid earlier direction, the suit is listed under the caption, 'For Dismissal'. The position is no different today. There is no representation for both sides today too.

2. In the light of the aforesaid situation, for the purpose of satisfying myself with the jurisdiction of this Court, I examined the plaint. It is seen that the lis arises out of a contract entered into between the plaintiff and the defendant for electrical and instrumentation work for field development at Barmer for M/s. Cairn Energy India Pvt. Ltd. To be noted, the plaintiff has undertaken said work for M/s. Cairn Energy Pvt. Ltd., as part of a project. Under such circumstances, from a perusal of the plaint, particularly, Paragraph

Nos.3, 8, and cause of action in paragraph No. 16, I find that this suit, infact, qualifies as a 'Commercial Dispute' inter-alia within the meaning of Sub clauses (vi) and (xviii) of Section 2(1)(c) of Act 4 of 2016.

3. As the value of the suit is over Rs.1.29 Crores (as would be evident from Paragraph No.18 of the Plaint) this suit also qualifies qua 'Specified Value' under Section 2(1)(i) read with Section 12 of Act 4 of 2016. Therefore, this Commercial Division has jurisdiction to entertain the suit under Section 7 of 'Specified Value' of Act 4 of 2016.

4. In the light of the earlier proceedings dated 05.12.2017, which has been extracted *supra* and in the light of non appearance of both parties on both days, this suit is dismissed for default/Non-Prosecution. All Pending Interlocutory Applications, if any, shall consequently stand closed.

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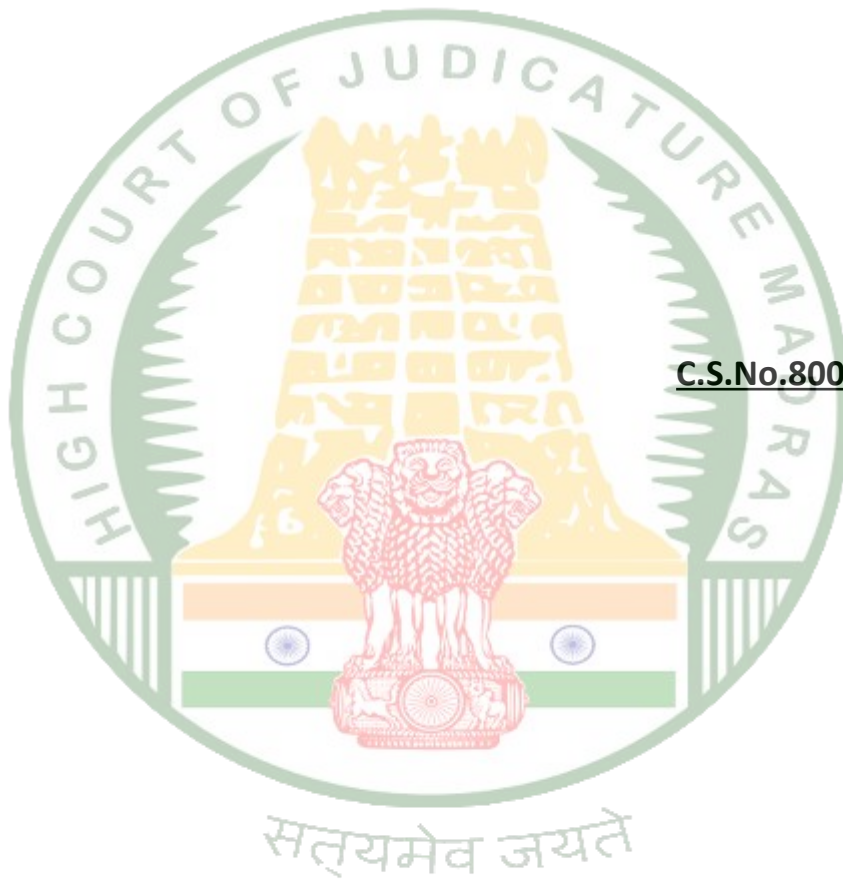
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Index: Yes/No

Speaking Order (or) Non-Speaking Order

M. SUNDAR, J.,

mrr



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