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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 03rd DAY OF DECEMBER 2018

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

C.S. No.41 of 2005

Canara Bank,
rep. by its Senior Manager,
Stationery Section,
GA Wing, Head Office,
No.2, OTC Road,
Bangalore-560 002.

... Plaintiff

-Versus-

1. M/s.Madras Security Printers,
rep. by its partner,
P.Raja Sundar Singh,
No.19, Tondiarpet High Road,
Chennai-600 001.
2. M/s.Heaven Shrimps Creations Pvt. Ltd.,
65, C.Linton Street,
Kolkata-700 014.
3. Sadhan Chandra Acharya,
No.5, Ashok Nagar, Subhas Pally,
P.O. Haripur, Dist: 24-Paraganas (North)
4. Anjan Kumar Ghosh,
North Kandarpapur,
Boralia 49, Sonarpur,
Dist: 24-Paraganas (South)
5. S.Mohan Pillai,
Proprietor of M/s.Bhavana Textile Mills,
Near Super Steel Company,
Gala No.2, Piple Line,
Kajupada, Mumbai-400 072.
6. Sunil Kumar,
S/o.Pushpadharan,
Melevila Veedu, Kottiyam,
Kollam District.
7. Raveendran Sibi,
S/o. Raveendran,
Seema Mandiram,
Kottiyam, Kollam District.

... Defendants



Civil suit praying that this Hon'ble Court be pleased to pass a decree and judgment against the 1st defendant as well as defendants 2 to 7 as follows:-

a) directing defendants 1, 2, 3 and 4 jointly and severally to pay i) a sum of Rs.14,99,532/- together with interest thereon @ 15.75% compounded at quarterly rests from date of plaint till date of realisation ii) a sum of Rs.15,15,153/- together with interest thereon @ 15.75% compounded at quarterly rests from date of plaint till date of realisation;

b) directing defendant 1 and 5 jointly and severally to pay a sum of Rs.15,51,805/- together with interest thereon @ 15.75% compounded at quarterly rests from date of plaint till date of realisation;

c) directing defendants 1 and 6 jointly and severally to pay i) a sum of Rs.8,91,507/- together with interest thereon @ 15.75% compounded at quarterly rests from date of plaint till date of realisation, ii) a sum of Rs.12,16,813/- together with interest thereon @ 15.75% compounded at quarterly rests from date of plaint till date of realisation iii) a sum of Rs.13,77,828/- together with interest thereon @ 15.75% compounded at quarterly rests from date of plaint till date of realisation;

d) directing defendants 1 and 7 jointly and severally to pay a sum of Rs.13,77,182/- together with interest thereon @ 15.75% compounded at quarterly rests from date of plaint till date of realisation;

e) directing the 1st defendant to pay a sum of Rs.10,00,000/- as damages.

f) for an order or decree against defendants 1, 3 to 7, personally directing them jointly and severally to pay all such sums to the plaintiff;

g) directing the defendants to pay the costs of the



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This suit coming on this day before this court for hearing in the presence of Mr.S.Kesavan, Advocate for the plaintiff herein, and Mr.Mohamed Moin for M/s.Aiyar & Dolia, advocates for the 1st defendant herein and the defendants 2 to 7 herein not appearing in person or by advocate and the said defendants 2 to 7 having been set ex-parte and upon reading the plaint filed herein and the memo filed by the plaintiff morefully setout in the schedule hereunder, and the learned counsel for the 1st defendant having submitted that in terms of the memo filed herein, issue has already been settled, between the parties and there had been no dues, payable by the defendants to the plaintiff, therefore, recording the memo, the suit can be dismissed, and this court doth recording the same, it is ordered as follows:-

That the suit in C.S. No.41 of 2005 be and is hereby dismissed as settled out of court.

2. That a certificate under Section 69 of The Tamil Nadu Court Fees and Suits Valuation Act XIV of 1955 (Amended Act), do issue herein, out of under the seal of this Court in favour of Canara Bank, rep. by its Senior Manager, Stationery Section, the plaintiff herein, authorising them to receive from the Pay and Accounts office, High Court, Chennai, a sum of Rs.1,32,496/- (Rupees one lakh thirty two thousand four hundred and ninety six only) being the entire court fee paid on the plaint by the plaintiff herein.

3. That there shall be no costs of this suit.

SCHEDULE

MEMO



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C.S. No.41 of 2005

ORDER :-

DATED: 03.12.2018

THE HON'BLE MR.JUSTICE
R.SURESH KUMAR

FOR APPROVAL:04/02/2019

APPROVED ON: 04/02/2019