

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

C.S.No.247 of 2014
and
A.No.2407 of 2014

Rekha Aggarwal

... Plaintiff

Vs

Arjunlal Sunder Das
S/o. late Shri K.Sundar Das
having office at Pantheon Apartment,
1st floor, having office at
Pantheon Apartment, 1st floor,
No.17, Pantheon Road, 1st Lane,
Egmore, Chennai - 600 008.

and

Residing at No.23, Anderson Road,
Off Haddows Road, Nungambakkam,
Chennai 600 006

...Defendant

Plaint filed under Order VII Rule 1 of the Code of Civil Procedure, read with Order IV Rule 1 of the Original Side Rules praying to pass a judgment and decree against the defendant (a) directing the defendant to pay to the plaintiff a sum of Rs.98,00,000/-

towards principal and a sum of Rs.18,27,839/- towards interest on the principal amount at 12% p.a from 01.05.2011 to 31.03.2014 totalling in all a sum of Rs.1,16,27,839/-, (b) to pay further interest on the principal amount at 18% p.a from the date of plaint till the date of realization (c) costs of the suit.

For Plaintiff : Mr. Amal K.Panwar,
for M/s.chennai Law Associates

For Defendant : No appearance

JUDGMENT

The learned counsel for the plaintiff submitted that now the defendant was adjudicated as an insolvent by an order dated 21.01.2014 in I.P.No.25 of 2014 and the entire property vested with the Official Assignee. The defendant, after subjecting himself to cross examination, died on 07.05.2018. In such circumstances, the plaintiff does not want to proceed with the suit and decided to proceed with the claim filed before the Official Assignee and hence, he may be permitted to withdraw the suit and he has also filed a memo to that effect.

2. In view of the submission made and the memo filed by the learned counsel for the plaintiff, the suit is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

mrp

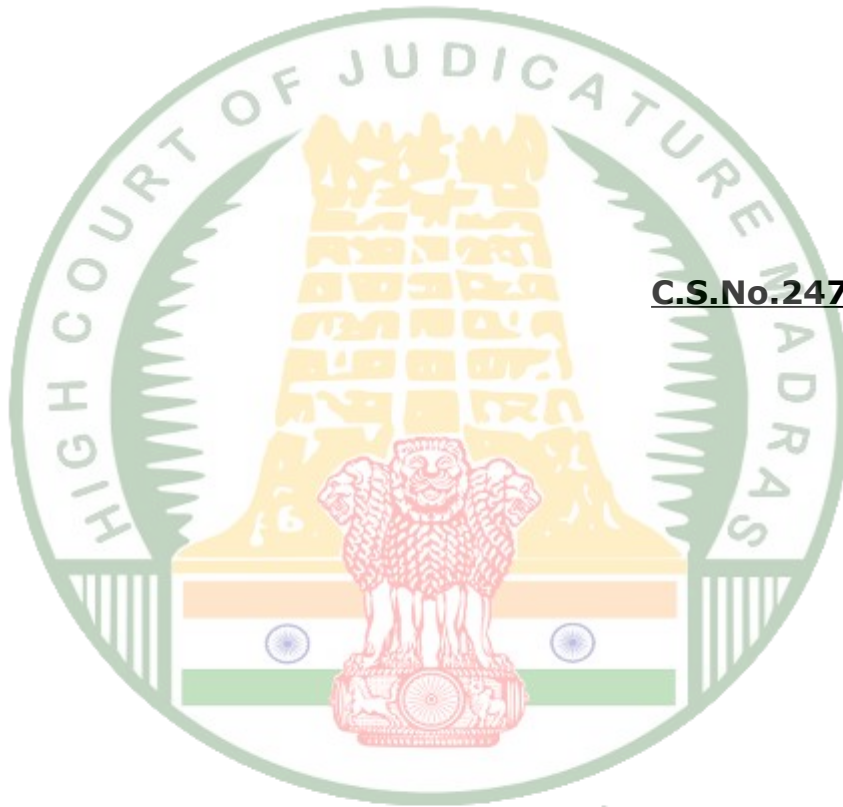


05.07.2018

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V.BHARATHIDASAN, J.,

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C.S.No.247 of 2014

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C.S.No.247 of 2014**V.BHARATHIDASAN, J.,**

This Court by an order dated 05.07.2018 in C.S.No.247 of 2014 permitted the plaintiff to withdraw the suit. Since there is no order passed regarding refund of Court fee, the matter is listed today for being mentioned.

2. Considering the submission made by the learned counsel for the plaintiff, Registry is directed to refund the Court fee, if it is permissible under law.

3. The paragraph No.2 of the order dated 05.07.2018 is modified as follows :

"2. In view of the submission made and the memo filed by the learned counsel for the plaintiff, the suit is dismissed as withdrawn. No costs. Consequently, connected miscellaneous petitions are closed. Registry is directed to refund the Court Fee, if it is permissible under law."

V.BHARATHIDASAN , J

mrp

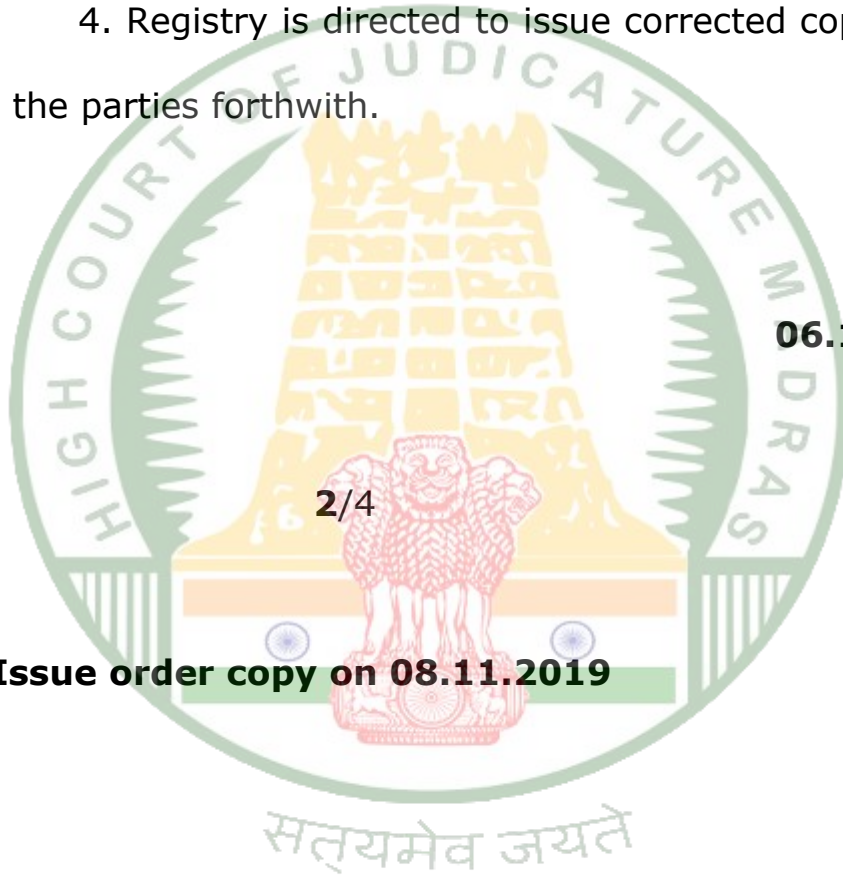
4. Registry is directed to issue corrected copy of the order to the parties forthwith.

06.11.2019

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Note : Issue order copy on 08.11.2019



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