

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 25H DAY OF JULY 2017

THE HON'BLE MR. JUSTICE N.SATHISHKUMAR

A.Nos.3715 TO 3717 of 2018

IN

C.S.NOS.840, 842 and 843 of 2015

C.S. No.840 of 2015

M/s.Warrior FMS (India) Pvt., Ltd.,
Rep., by its Managing Director,
Corporate Office at "Amala Towers"
M No.1-30-211/1, Plot No.117-A, Telecom Colony,
Kanajiguda, Alwal, Secunderabad 500 015
Also having Regional Head Office at
No.10/25, Rangarajapuram 4th Street,
Saidapet, Chennai 600 015

... Plaintiff

-Vs-

M/s.New Chennai Township Private Ltd.,
Registered Office "Marg Axis"
No.4/318, Rajiv Gandhi Salai,
Kottivakkam,
Chennai 600 041.

... Defendant

A.No.2662 of 2016

AND

A.No.3715 OF 2018

M/s.New Chennai Township Private Ltd.,
Registered Office "Marg Axis"
No.4/318, Rajiv Gandhi Salai,
Kottivakkam,
Chennai 600 041.

...Appellant

VS

M/s.Warrior FMS (India) Pvt., Ltd.,
Rep., by its Managing Director,
Corporate Office at "Amala Towers"
M No.1-30-211/1, Plot No.117-A, Telecom Colony,
Kanajiguda, Alwal, Secunderabad 500 015
Also having Regional Head Office at
No.10/25, Rangarajapuram 4th Street,

Saidapet, Chennai 600 015

...Respondent

A.No.3715 of 2018

Application praying that this Hon'ble Court be pleased to pass an order of the appellant above named prefers this Appeal as against the order passed by The Master in Application No.2662 of 2016 in C.S.No.840 of 2015 dated 08.02.2018.

C.S.No.842 & 843 of 2015

M/s.Warrior FMS (India) Pvt., Ltd.,
Rep., by its Managing Director,
Corporate Office at "Amala Towers"
M No.1-30-211/1, Plot No.117-A, Telecom Colony,
Kanajiguda, Alwal, Secunderabad 500 015
Also having Regional Head Office at
No.10/25, Rangarajapuram 4th Street,
Saidapet, Chennai 600 015

... Applicant/Plaintiff

-Vs-

M/s.Marg Limited,
Rep.by its Managing Director,
Registered office "Marg Axis"
No.4/318, Rajiv Gandhi Salai,
Kottivakkam,
Chennai 600 041.

... Respondent/Defendant

A.Nos.2661 & 2660 of 2016

AND

A.Nos.3716 & 3717 OF 2018

M/s.Marg Limited,
Rep.by its Managing Director,
Registered office "Marg Axis"
No.4/318, Rajiv Gandhi Salai,
Kottivakkam,
Chennai 600 041.

...Appellant

VS

Corporate Office at "Amala Towers"
 M No.1-30-211/1, Plot No.117-A, Telecom Colony,
 Kanajiguda, Alwal, Secunderabad 500 015
 Also having Regional Head Office at
 No.10/25, Rangarajapuram 4th Street,
 Saidapet, Chennai 600 015

...Respondent

A.No.3716 of 2018

Application praying that this Hon'ble Court be pleased to pass an order of the appellant above named prefers this Appeal as against the order passed by The Master in Application No.2661 of 2016 in C.S.No.842 of 2015 dated 08.02.2018.

A.No.3717 of 2018

Application praying that this Hon'ble Court be pleased to pass an order of the appellant above named prefers this Appeal as against the order passed by The Master in Application No.2660 of 2016 in C.S.No.843 of 2015 dated 08.02.2018.

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

These appeals have been filed as against the Order of the Master in Application Nos.2660, 2661 and 2662 of 2018.

2. The main contentions of the applicants are that this Court has no jurisdiction, that mandatory proceedings has not been followed at the time of filing the summary suit and that the amount claimed by the plaintiff has

already been discharged.

3. The learned Master considering the fact that the leave has been obtained by the plaintiff, has rejected the contention of the applicant as to the non following of the mandatory proceedings. Similarly, the jurisdiction issue also has been considered by the learned Master and found it to be not correct.

4. As far as the third ground of the applicant that he had already discharged the admitted amount claimed in the plaint, there are no materials placed on record to substantiate the alleged discharge. The learned Master took note of all the above facts, dismissed the petitions to leave.

5. It is well settled that unless the defendants show substantial defence and defence is also likely to succeed, leave cannot be granted. In the absence of any substantial defence, as matter of right, leave cannot be granted. On a perusal of the Order of the learned Master, this Court does not find any illegality and these appeals are liable to be dismissed.

6. Accordingly, these appeals are dismissed.

WEB COPY

Sd/.N.S.K.J
25.07.2018

//Certified to be a true copy//

Dated this the day of 2018.

KY/13.08.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.