

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.09.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.1124 of 2008

M/s Pearl Media
A Venture of Century Communication Limited
Rep. by its Authorised Signatory
Mr.Y.Subhash.
No.14 A, Lajpat Nagar, Part II,
New Delhi- 110024 .. Plaintiff

Vs.

Ms.Rajshree Bhist
Proprietor
M/s. SURESH TELEVISION
Old No. 236/237, New No. 3
8th Street, Ashtalakshmi Nagar
Valasaravakkam
Chennai 600 087 .. Defendant

This Civil Suit is preferred, under Order IV Rule 1 O.S. Rules read with Order VII Rule 1 C.P.C., to direct the Defendant to pay the plaintiff a sum of Rs.1,16,34,300 along with interest @ 24% per annum on Rs.93,82,500/- from the date of Plaint till realisation and for costs.

For Plaintiff : Ms.Rajamani Ponnu
For Mr.K.Harishankar

For Defendant : No Appearance

JUDGMENT

Ms.Rajamani Ponnu, learned counsel representing counsel on record for sole plaintiff is before this Commercial Division.

2. Sole defendant has been duly served with suit summons on 22.12.2008. Name of the sole defendant together with full / complete address as in the short and long cause titles of the plaint has been shown in the cause list and name of the sole defendant called out aloud thrice, but, none appears.

3. Be that as it may, learned counsel for plaintiff reports 'No Instructions' and learned counsel has filed a memo dated 07.09.2018, which reads as follows:

"MEMO FILED BY THE COUNSEL FOR PLAINTIFF

1. The Counsel for Plaintiff respectfully submits that this Civil Suit was filed in the year 2008 for recovering sum of Rs.1,16,34,300/- along with interest @ 24% per annum on Rs.93,82,500 from the Defendant.

2. The suit was listed before this Hon'ble Commercial Division on 02.07.2018 before this and the Plaintiff was directed to file an Affidavit as to whether any cause of action survives in the present suit. In this regard, the Counsel wrote a registered letter to the Plaintiff on 07.07.2018 to the New Delhi address stated in the plaintiff and to another address in Chennai, where the Authorised Signatory of the was carrying on his work at the time of filling of the suit. However, both letters have been returned with postal endorsement "no such person". A copy of the letter and the returned envelopes are filed herewith as proof of the above. In the absence of any instructions from the Plaintiff, the Counsel for the Plaintiff files this Memo reporting "NO INSTRUCTIONS".

It is therefore prayed that, this Hon'ble Court may be pleased to take on record this Memo reporting "No Instructions" on behalf of the Plaintiff and pass such further orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

Dated at Chennai on this the 7th day of September 2018.

Sd/-

Counsel for Plaintiff"

4. Annexed to the aforesaid memo is a letter dated 07.07.2018 from plaintiff's counsel to plaintiff which reads as follows:

"To

Mr.Y.subhash,

M/s Pearl Media

Venture of Century Communication Limited

NO.14 A, Lajpat Nagar, Part II,

New Delhi - 110 024

Dear Sir,

Sub:C.S No. 1124/2008-M/s Pearl Media Vs Rajshree Bhist High Court, Madras

This is to inform you that the above referred suit was filed by you against Ms.Rajshree Bhist for recovering a sum of Rs.1,16,34,300 along with interest @ 24% per annum on Rs.93,82,500 before the Hon'ble High Court of Madras and the same was listed before Hon'ble Mr.Justice C.V.Karthikeyan on 02.07.2018. The Hon'ble judge was pleased to adjourn the case to 25.07.2018 to seek instructions from you and report to court whether the dispute till survives.

There has been no communication from you for a long time. Therefore, kindly contact the undersigned at the earliest on receipt of this notice, failing which we will be reporting 'No Instructions' before the Hon'ble Court.

Thanking You.

Yours Sincerely,

Sd/-

K.HARISHANKAR

Advocate

98410 76561

Copy to :- Mr.Y.Subhash,

M/s Pearl Media,

No. 1-B, Archana Apartments, 4/31, North Crescent Road, T.Nagar Chennai - 600 017"

5. Learned counsel reiterates the contents of the aforesaid memo.

6. In the light of the aforesaid memo and reiteration of the same, this suit is dismissed for default/non-prosecution. There shall be no Order as to Costs.

07.09.2018

gpa/kan

M.SUNDAR, J.

gpa/kan

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