

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2018

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

C.S.No.221 of 2014  
and A.No.2211 of 2014

M/s.AKMG Alloys Private Limited  
Rep. by its Director Mr.G.V.Kumar  
Having its registered office at  
No.72, West Car Street  
Dindigul 624 001.

... Plaintiff

Vs.

M/s.Shrianna Merchandise Pvt. Ltd.  
Rep. by its Director  
Mr.Alkesh Gupta  
Regd. Office at  
Gokul Tower  
Door No.5, Ground Floor  
9/10, C.P.Ramasamy Road  
Alwarpet, Chennai - 600 018.

...Defendants

सत्यमेव जयते

This Civil Suit is preferred, under Section 26 and Order VII Rule 1  
CPC and Order IV Rule 1 of O.S.Rules praying to

a) grant a decree in favour of the plaintiff directing the  
defendant to pay the plaintiff a sum of Rs.27,55,632/- (Rupees Twenty  
Seven Lakhs and Fifty Five Thousand Six Hundred and Thirty two only) with  
interest @ 24% from the date of plaint till the date of actual realization of  
the amount.

b) for cost and such other relief the Honourable Court may deem  
fit and proper in the circumstances of the case.

For Plaintiff : No Appearance

For Defendant : Ms.S.Jothilakshmi  
for Mr.M.Sivavarthan

### JUDGMENT

Read this in conjunction with and in continuation of earlier proceedings of this Commercial Division dated 20.09.2018, 25.10.2018, 30.11.2018 and 14.12.2018, which read as follows:

2. Proceedings of this Commercial Division dated 20.09.2018 reads as follows:

*'It is submitted by the learned counsel for plaintiff that they have given change of vakalat and retuned the suit file.*

*Learned counsel seeks time to file a memo to this Court.*

*List this matter on 25.10.2018.'*

3. Proceedings of this Commercial Division dated 25.10.2018 reads as follows:

*'Read this in conjunction with earlier proceedings of this Commercial Division dated 20.09.2018.*

*2. Today, learned counsel for plaintiff has filed a*

memo which reads as follows:

**'MEMO FILED BY THE PLAINTIFF COUNSEL**

We have earlier represented the plaintiff in the above case, subsequently the plaintiff has obtained change of vakalat and received the entire bundle. We are no longer representing the plaintiff in the above case.

Therefore, it is prayed that this Hon'ble High Court may be pleased to record this memo and kindly remove our name as representing the plaintiff and thus render justice'.

List on 30.11.2018.'

4. Proceedings of this Commercial Division dated 30.11.2018

reads as follows:

'Read this in conjunction with and in continuation of earlier proceedings of this Commercial Division dated 25.10.2018, which reads as follows:

'Read this in conjunction with earlier proceedings of this Commercial Division dated 20.09.2018.

2. Today, learned counsel for plaintiff has filed a memo which reads as follows:

**'MEMO FILED BY THE PLAINTIFF COUNSEL**

We have earlier represented the plaintiff in the above case, subsequently the plaintiff has obtained change of vakalat and received the entire bundle. We are no longer representing the plaintiff in the above case.

Therefore, it is prayed that this Hon'ble High Court may be pleased to record this memo and kindly remove our name as representing the plaintiff and thus render justice'.

List on 30.11.2018.'

2. Registry is directed to show the name of the plaintiff together with plaintiff's full/complete address as contained in the short and long cause titles of the plaint in the next listing.

3. Be that as it may, learned counsel for defendant

*also submits that there is difficulty in establishing contact with the defendant and learned counsel seeks time to either get instructions or report no instructions.*

*4. List this matter on 14.12.2018.*

5. Proceedings of this Commercial Division dated 14.12.2018 reads as follows:

*'Read this in conjunction with and in continuation of earlier proceedings of this Commercial Division dated 30.11.2018.*

*Today, counsel for defendant reports 'No instructions'.*

*List this matter under the caption 'For Dismissal' on Monday i.e., 17.12.2018.'*

6. Pursuant to the aforesaid four proceedings, this suit is listed today under the caption 'FOR DISMISSAL'.

7. Today Ms.S.Jothilakshmi, learned counsel representing the counsel, who had filed the vakalat on behalf of the sole defendant, is before this Commercial Division. Learned counsel reiterates the earlier representation made on 14.12.2018 i.e., that they have no instructions.

8. Be that as it may, notwithstanding this suit being listed under the caption 'for dismissal' and notwithstanding the name of the plaintiff

called out aloud thrice. No response.

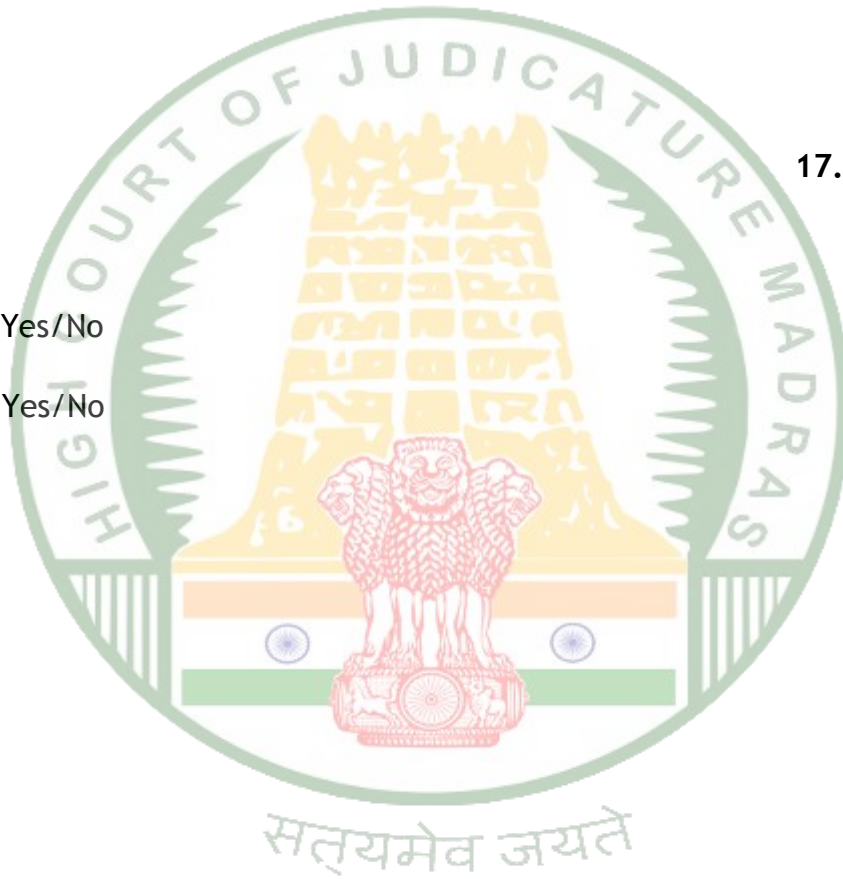
In the light of the narrative supra, this suit is dismissed for default/non-prosecution. Consequently, connected interlocutory application is closed. There shall be no order as to costs.

17.12.2018

Index : Yes/No

Internet: Yes/No

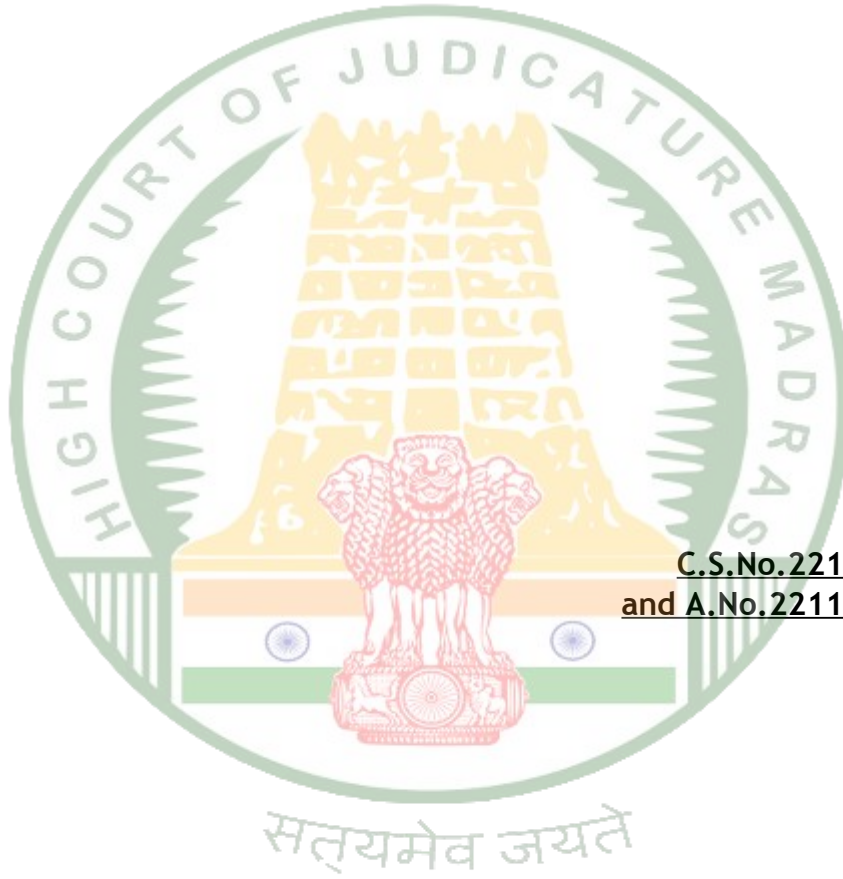
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