

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.12.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.928 of 2017
and A.No. 5249 of 2018

A.N.Rajendiran
S/o.K.Nambiappan
Flat No.G-2, Shyam Sundar Apartments,
No.20, Ramanathan Street,
Kilpauk,
Chennai- 600 010.

..Plaintiff

Vs.

1.T.Arunachalam,
S/o.Thiyagarajan
V.PFOUNDATIONS Pvt.Ltd,
Flat No.B-2, II Floor, Vignesh Villa, Door No.68,
10th Avenue,
Ashok Nagar,
Chennai- 600 083.

Also at

Newery Park Towers
Flat No.404A, 4th Floor
No.9-Park Road, Annanagar west
Chennai- 600101.

2. S.J.Associates Plot Promoters & Developers Pvt. Ltd
Rep.by its Director
No.40, Ist Floor
10th Avenue,
Ashok Nagar,
Chennai- 600 083

3. V.P.Foundations Pvt Ltd

Rep.by its Director

Flat No.B-2, II Floor, Vignesh Villa, Door No.68,
10th Avenue,
Ashok Nagar,
Chennai - 600 083.

4. C.M.Amara Jeeva.

Director

S.J.Associates Plot Promoters & Developers Pvt.Ltd
No.40, Ist Floor
10th Avenue,
Ashok Nagar,
Chennai- 600 083.

5. Amutha Vijakumar

C/o V.P.Foundations Pvt Ltd,
Flat No.B-2, II Floor, Vignesh Villa, Door No.68,
10th Avenue,
Ashok Nagar,
Chennai- 600 083.

.. Defendants

This Civil Suit is preferred, under Order V Rule 1 of Original Side Rules read with under Order-VII Rule 1 of Code of Civil Procedure praying to

a) By Directing the defendants jointly and severally to pay to the plaintiff a sum of Rs.2,09,43,960.00 [Rupees Two Crores Nine Lakhs Fourth Three Thousand and Nine Hundred Sixty Only] together with interest thereon at 18% per annum principal amount of Rs.1,53,30,000/- on the said sum from the date of plaint to till date of realization;

b) Direct the defendant to pay the cost of the suit;

c) grant such further or other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Plaintiff : Non-appearance

For Defendants : Mr.R.Krishha Prasad
of M/s.Sarvabhauam Associates
for Defendant Nos.1 to 4

Mr.J.Daniel
for defendant No.5

JUDGMENT

There is a sole plaintiff and there are five defendants in this suit.

2. With regard to Defendants 1 to 4 Mr. Krishna Prasad of M/s.Sarvabhauam Associates [Law Firm] is before this Commercial Division. On behalf of 5th defendant Mr.J.Daniel, is before this Commercial Division.

3. With regard to sole plaintiff, read this in conjunction with and in continuation of earlier proceedings of this Commercial Division dated 12.10.2018, 16.11.2018, 06.12.2018 which read as follows:

'Proceedings on 12.10.2018:

Learned counsel, who was appearing for the sole plaintiff has filed a memo dated 08.10.2018, which reads as follows:

'The above said Civil Suit filed by one Mr.A.N.Rajendiren is not willing to continue the case through me. In these circumstances he requested to

handover the bundle. Therefore, we had given the change of vakalath along with entire papers to him on 04.10.2018.

It is therefore prayed that this Hon'ble Court may be pleased to record this memo and delete the plaintiff counsel name and thus render justice.

Dated at Chennai on this 08th day of October 2018.

(s/d)

Counsel for plaintiff'

2. Mr.Mukundan, learned counsel who was appearing for sole plaintiff, and Mr.S.Ravichandran, learned counsel for defendants 1 to 3 are before this Commercial Division.

3. Registry to verify if any new counsel has entered appearance and show the name of the new counsel in the next listing.

4. List this matter on 16.11.2018.'

'Proceedings on 16.11.2018:

Read this in conjunction with and in continuation of earlier proceedings of this Commercial Division dated 12.10.2018.

Registry to put up a note as to whether the new counsel has entered appearance.

If that not be so, Registry to show the name of plaintiff together with his full/complete address as in the short and long cause titles in the next listing.

List this matter on 06.12.2018.'

'Proceedings on 06/12/2018:

Read this in conjunction with and in continuation of earlier proceedings of this Commercial Division dated 16.11.2018.

Name of the sole plaintiff together with his full/complete address as in the short and long cause titles of the plaint is shown in the cause list. Name called out aloud thrice. No response.

Registry has also put up a note saying that no new counsel has entered appearance. With the intention of giving one more opportunity to the sole plaintiff, list this matter in the same manner tomorrow i.e., 07/12/2018 under the caption 'for dismissal'.

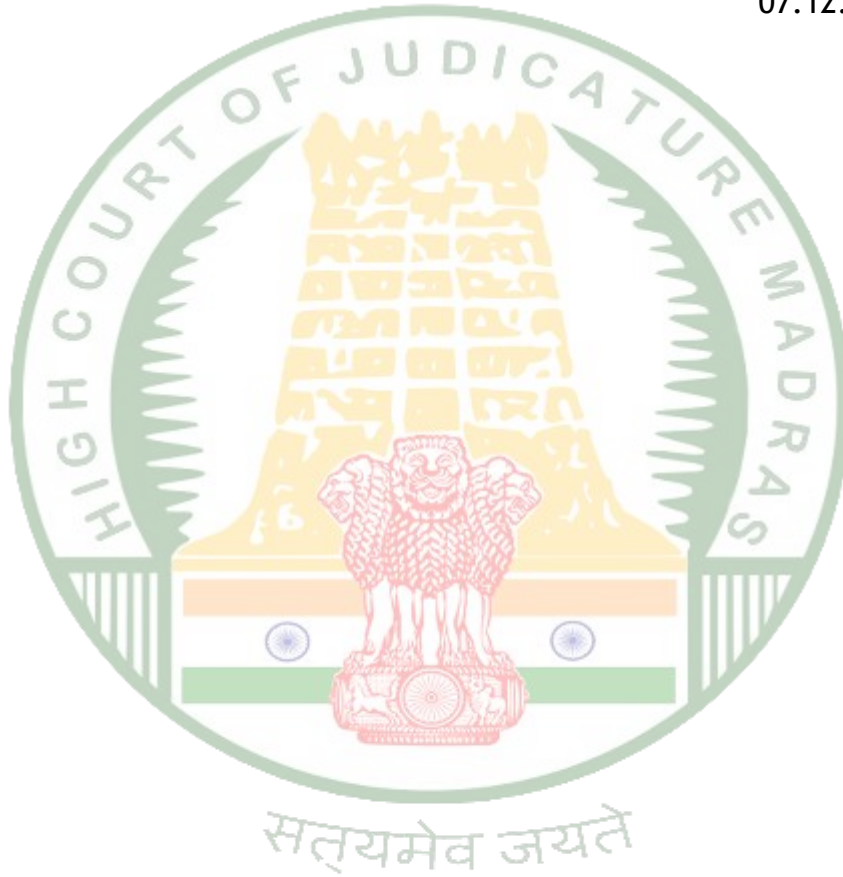
4. Pursuant to the aforesaid proceedings, this suit was listed under the caption 'FOR DISMISSAL' today. Today also name of the sole plaintiff together with his full/complete address as in the short and long cause titles of the plaint is shown in the cause list. Name of the plaintiff called out aloud thrice. There is no response.

5. This Commercial Division is informed that no new counsel has entered appearance on behalf of sole plaintiff.

6. In the light of the narrative supra, instant suit is dismissed for default/ non-prosecution. No costs. Consequently, all connected applications are closed.

07.12.2018

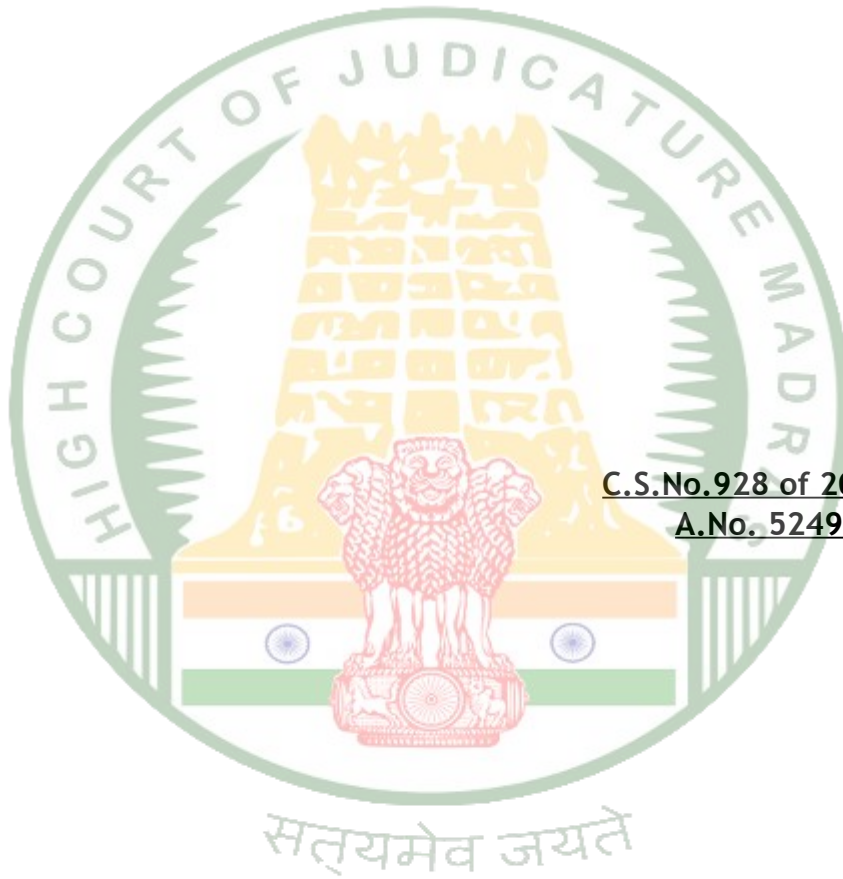
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