

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.S.No.523 of 2011

K.Sundaramurthy

...PLAINTIFF

Vs

M.Saravanan

...DEFENDANT

Plaint filed under VII Rule 1 of C.P.C. read with Order IV Rule 1 of High Court Original Side Rule praying to pass a judgment and decree against the defendant directing the defendant to pay a sum of Rs.87 28 000/- to the plaintiff with interest at the rate of 24% per annum from the date of filing of the above suit till the date of realization of the same and b) award cost of filing of the suit.

For Plaintiff

: Mr.S.Ramesh Kumar

For Defendant

: Mr.G.Ameedius

ORDER

Heard the learned counsel appearing for the plaintiff and the learned counsel appearing for the defendant and perused the pleadings.

2. The following issues are framed for trial and adjudication:-

(i) Whether the plaintiff is entitled for the suit claim as per the loan agreement dated 17.09.2009?

(ii) Whether the promissory note dated 05.12.2009 alleged to have been executed by the defendant is true and genuine?

(iii) Whether the agreement dated 10.06.2004 entered into between the first and second defendant is not valid and enforceable?

(iv) Whether the suit is maintainable for non joinder of necessary party?

(v) Whether the suit is barred by limitation as pleaded by the defendant?

(vi) To what other reliefs, the plaintiff is entitled to?

4. Affidavit of documents and list of witnesses shall be filed within two weeks from today. Inspection of documents shall be done within a period of two weeks thereafter. The Registry is directed to post the case before the learned Additional Master-IV for recording evidence on

22.11.2016. Proof affidavit of PW-1 by then. Both parties are directed to co-operate with the learned Additional Master-IV for recording evidence and the learned Additional Master-IV is directed to complete the process of recording evidence within a period of twelve weeks thereafter and list the case before this Court for arguments.

24.10.2016

srn

PUSHPA SATHYANARAYANA.J

srn

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