

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.845 of 2013

MMTC Ltd.,
Essar House,
6 Esplanades, Chennai – 600 108.
Rep.by its Deputy General Manager,
S.K.Srinivasan. ... Plaintiff

Vs.

1.M/s.Surana Corporation Limited,
29, Whites Road, II Floor,
Royapettah, Chennai – 600 014.
Represented by
Vijayaraj Surana (Managing Director).

2.S.Guruswamy
(Retired Chief General Manager (Souch Zone) of the plaintiff,
No.3, Surendra Nagar, 6th Street,
Adambakka, Chennai – 600 088.

3.V.Gurumurthy (Retired General Manager (Finance & Accounts) of
the plaintiff),
Flat No.2, Subramania Enclave,
No.1, Subramania Nagar, 2nd Street,
Kodambakkam, Chennai – 600 024. ... Defendants

Plaint filed under Order VII Rule 1 C.P.C. read with Order IV
Rule 1 of the High Court Original Side Rules praying for:

(a) directing the defendants to pay, jointly and
severally, to the plaintiff a sum of Rs.12,42,86,396.

(b) directing the defendants to pay, jointly and severally, to the plaintiff a sum of Rs.9,71,10,304/- as interest on the sum of Rs.12,42,86,396/- at the rate of 18% p.a. from the due date of payment till the filing of the suit.

(c) directing the defendants to pay, jointly and severally, to the plaintiff, interest on the sum of Rs.22,13,96,700/- at the rate of 18% p.a. from the date of filing of the suit till the date of realization.

(d) for costs of the suit.

For Plaintiff : M/s.Karthik Sundaram

For defendants : Mr.V.Balasubramanian, for D2
Mr.K.Mani, for D3

J U D G M E N T

The suit has been filed for recovery of a sum of Rs.22,13,96,700/-.

2. It is not in dispute that the first defendant went on liquidation and the learned counsel for the plaintiff also submitted that the claim was made before the liquidation. Such being the position, since the claim is already made, the suit is not maintainable. Accordingly, the suit is dismissed. Since the trial has

not commenced, the plaintiff is entitled to the Court fee.

3. Since the claim is already made, this Court is of the view that the plaintiff is entitled to Court fee. Accordingly, registry is directed to refund the requisite Court fee.

25.11.2019

AT

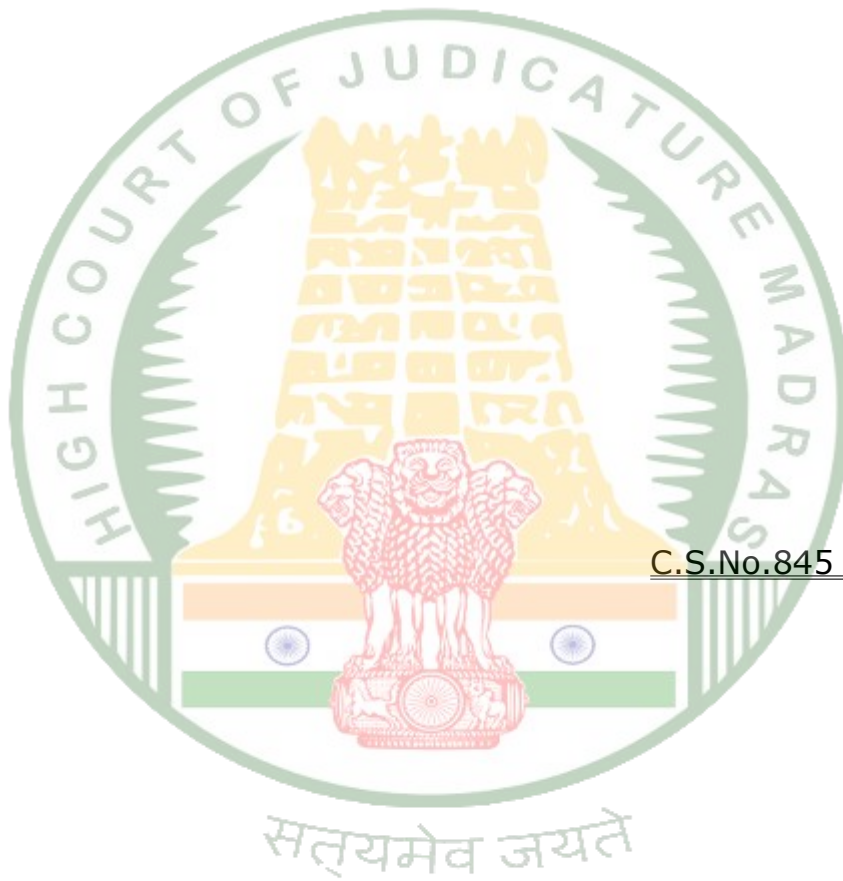


WEB COPY

C.S.No.845 of 2013

N.SATHISH KUMAR,J.

AT



C.S.No.845 of 2013

WEB COPY

25.11.2019