

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

C.S.No.220 of 2011

Andavar Home Creators Pvt. Ltd.,
Rep. by its Director A.P.Saravanan
No.35A, II Floor, 'Andavar Shristi'
Pillaiyar Koil Street, Rajaji Nagar,
Thiruvannamiyur,
Chennai-41.

... Plaintiff

Vs.

1. N.D.Raja
2. R.Jabakani

... Defendants

PRAYER: This Civil Suit is filed under Order IV Rule 1 O.S. Rules read with Order VII Rule 1 & 2 CPC, praying for the following reliefs:

(a) for recovery of money and direct the defendants to pay an amount of Rs.1,50,00,000/- to the plaintiff with interest @ 18% per annum from the date of suit till the date of actual payment;

(b) for costs.

For Plaintiff : No Appearance

For Defendants : Mr. Naresh
for M/s.K.G.Vasudevan

J U D G M E N T

There is no representation for the plaintiff. Learned Counsel for the defendants is present.

2.It is the contention of the learned counsel for the defendants that the plaintiff has never appeared before this Court and he is not co-operating with the trial. On a perusal of the notes paper, order of this Court dated 30.03.2016, makes it clear that despite a specific time is fixed by this Court, the plaintiff did not co-operate with the Master and let in evidence. This was the order passed by this Court in the year 2016. Thereafter, on 02.01.2017, this Court directed the plaintiff to file additional documents. Having obtained such an order, the plaintiff has not adduced any evidence. Thereafter, on 23.10.2019, the learned counsel for the plaintiff has assured before this Court that the plaintiff will appear before the Master on 05.11.2019. Despite such assurances, nothing has been materialised. Thereafter, on 05.11.2019 also, the plaintiff was not present and again, the matter

was adjourned to 20.11.2019. But, on that day also, he did not appear. On 05.12.2019 also, the plaintiff was not present and the matter was again finally posted to 03.01.2020. On that day also, the plaintiff did not appear before the Master. The conduct of the plaintiff from the year 2016 can be discernible from the orders passed by this Court on various occasions and it makes clear that the plaintiff is not interested in prosecuting his case. Today also, there is no representation for the plaintiff. Taking note of the conduct of the plaintiff from the year 2016 recorded by this Court, this Court, has no other option except to hold that the plaintiff is not interested in prosecuting the case.

3. Accordingly, the suit is dismissed for default.

05.03.2020

uma

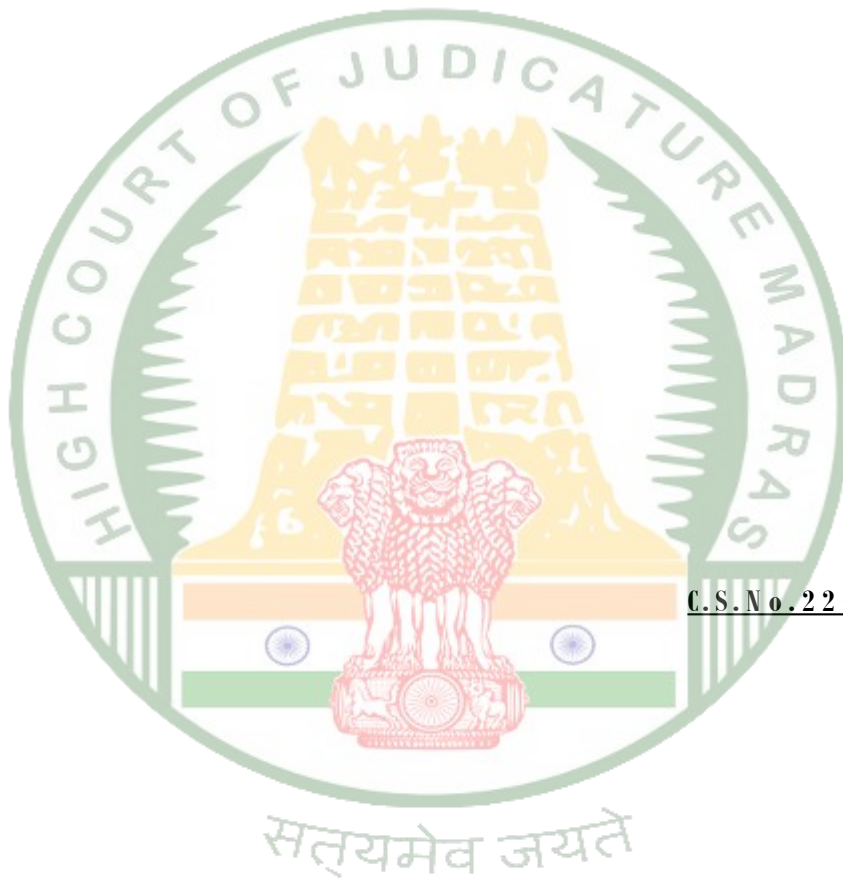
Index : Yes / No

Internet : Yes

Speaking Order/Non-Speaking Order.

WEB COPY

N. SATHISH KUMAR, J
uma



C.S.No.220 of 2011

WEB COPY

05.03.2020



WEB COPY