

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY THE 26TH DAY OF JUNE 2019

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

C.S.No.308 of 2015

K & K Contech Engg Pvt Ltd
Represented by Mr.Cheol ho Kim
Executive Director,
3203, 1st Floor, U.K.Towers,
Mount Poonamallee Road
Kattupakkam,
Chennai 600 056

..Plaintiff

-vs-

M/s. Madha Construction of Properties Pvt Ltd
Represented by Managing Director
Dr.S.Peter having its administrative
Office at No.1A, Chari Street,
North Usman Road, T.Nagar,
Chennai 600 017

..Defendant

This Civil Suit coming on this day before this court for
hearing the court made the following order:

Today (26.06.2019), this suit is listed under the caption
'CASE MANAGEMENT HEARING'.

2. The learned counsel for the sole plaintiff and the

learned counsel for sole defendant are before this Commercial Division.

3. Draft issues have been filed by both sides.

4. After examining the pleadings and the documents produced before this Court and on examination conducted by this Court under Order II Rule 10 of Civil Procedure Code, this Court frames the following issues:-

"1. Whether the defendant was making payments as per payment schedule as per the construction agreement dated 15.04.2013, and later, partially modified through another agreement dated 24.12.2013?

2. Whether the defendant is estopped from raising the issue of sub-contract, when the same was well within its knowledge and not disputed during the currency of the agreement?

3. Whether the defendant was making statutory dues that were deducted from the payments made to the plaintiff?

4. Whether the defendant's stand that the plaintiff had breached the terms of agreement is legally sustainable when it had not made any payments for the bills raised by the plaintiff on the works done by it?

5. Whether the action of the plaintiff in

demobilizing from the site without completing the works by removing the materials of the defendant from the work site without the knowledge of the defendant is justified?

6. Whether the plaintiff is entitled for the amount claimed in the suit when the value of work done by it is only for sum of Rs.1,59,95,879/-? 7.

Whether the plaintiff is entitled to the relief sought for in the suit when it had completed only a part of the structural works?

8. To what relief the parties to the suit are entitled to?"

5. The learned counsel for plaintiff is directed to file the Proof Affidavit on or before 05.07.2019 and the defendant shall cross examine the witnesses of plaintiff side from 10.07.2019 to 17.07.2019.

6. The learned counsel appearing for the defendant is directed to file the Proof Affidavit on or before 06.08.2019 and the plaintiff shall cross examine the witnesses of defendant from 09.08.2019 to 22.08.2019.5. Both the parties are directed to file their written arguments on or before 27.08.2019.

7.The aforesaid time schedule shall be followed by the

parties before the learned Additional Master scrupulously and learned Additional Master is directed to permit both the parties to cross-examine their respective witnesses on day to-day basis.

8. Registry is directed to post this matter before the learned Additional Master for carrying out aforesaid exercise and thereafter, list the matter before this Court for arguments on 09.09.2019.

sd/-K.R.J

26.06.2019

//Certified to be a true copy//
Dated this the day of 2019.

R.s/05.07.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgement Decree in this format.

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