



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 29TH DAY OF JUNE 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S. No.243 of 2001

Winline (U.K) Ltd., a foreign  
company organized under the laws  
of the United Kingdom and having  
their address at 56, Grampian  
Gardens, London NW2 1JG  
Rep. By its Power Agent  
D.J.Malvankar

... Plaintiff

Versus

Sri Sarbati Steel Tubes Ltd., a  
company incorporated under the  
provisions of the Companies Act  
1956 and having their registered  
office at 163/1, Broadway,  
Chennai-600 001.

... Defendants

Civil suit praying that this Hon'ble Court be pleased to pass a  
Judgement and decree in favour of the Plaintiff and against the Defendant in  
the sum of US\$ 141,687 equivalent to Rs.66,59,289/- together with interest  
thereon @ 18% per annum from the date of the filling of the suit till  
payment/realization and costs;

This suit coming on this day before this court for hearing in the  
presence of Mr.S.Vasudevan, Advocate for the plaintiff herein and  
Mr.K.Bijai Sundar, Advocate for the defendant herein and upon reading the



plaint filed herein and the learned counsel for the plaintiff having submitted that the plaintiff is a limited company which was dissolved on 23.10.2018 and therefore, nothing survives in the suit, and this court doth recording the same, **it is ordered as follows:-**

That the suit in C.S.No.243 of 2001, be and is hereby dismissed of having become infructuous.

2) That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 29TH DAY OF JUNE 2021.

Sd./-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the     day of     2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments.



VSP

09/08/2021

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C.S. No.243 of 2001

ORDER

DATED : 29.06.2021

THE HON'BLE MR.JUSTICE

R.SUBRAMANIAN

FOR APPROVAL: 08/09/2021

APPROVED ON: 09/09/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

**C.S.No.243 of 2001**

Winline (U.K.) Ltd., a foreign company  
organized under the laws of the United Kingdom  
and having their address at 56, Grampian Gardens,  
London NW2 1JG

Rep. By its Power Agent, D.J.Malvankar

...Plaintiff

Vs.

Sri Sarbati Steel Tubes Ltd., a company incorporated  
under the provisions of the Companies Act, 1956 and  
having their registered Office at 163/1, Broadway,  
Chennai – 600 001.

...Defendant

Prayer: Complaint filed under Order VII of Original Side Rules r/w. Order XXXVII Rule 1, praying for a judgment and decree in favour of the plaintiff and against the defendant in the sum of US\$ 141,687/-equivalent to Rs.66,59,289/- together with interest thereon @ 18% per annum from the date of the filing of the suit till payment / realization and costs.

For Plaintiff : Mr.S.Vasudevan

For Defendant : Mr.K.Bijai Sundar

### **J U D G M E N T**

The suit is one for recovery of money for breach of contract. It is

undoubtedly a 'commercial dispute' within the meaning of Section 2(1)(c)(i)



of the Commercial Courts Act, 2015. Hence, the jurisdiction is determined and the Commercial Division takes cognizance of the suit.

2.Mr.S.Vasudevan, learned counsel appearing for the plaintiff would submit that the plaintiff is a limited company, which was dissolved on 23.10.2018 and therefore, nothing survives in the suit.

3.Recording the said statement of the learned counsel, this suit is dismissed of having become infructuous. No costs.

Sd./-R.S.M.J  
29.06.2021

**List of witness and documents filed on the side of the plaintiff:**

Nil

**List of witness and documents filed on the side of the defendant:**

Nil

Sd./-R.S.M.J  
29.06.2021

//Certified to be true copy//

Dated at Madras this the     day of     2021.

COURT OFFICER(O.S.)