



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY ORIGINAL CIVIL JURISDICTION)
TUESDAY, THE 21st DAY OF SEPTEMBER, 2021
THE HON'BLE MR. JUSTICE R.SUBRAMANIAN
C.S.No.190 OF 2008

M/s. Surana Industries Ltd.,
Represented by its Managing Director
Mr.Dineshchand Surana
No.29, Whites Road, 2nd Floor,
Royapettah, Chennai-600 014.

*** 2. Mr.Ramakrishna Sadasivan,
Company Liquidator
M/s Surana Industries Ltd
(A Company in Liquidation)
29, Whites Road, 2nd Floor,
Royapettah, Chennai – 600 014.**

... Plaintiff

***(2nd Plaintiff Impleaded as per order
dated 03.12.2019 in Appl.No.8364 of 2019)**

Vs

1. M/s. Good Earth Maritime Ltd.,
Haveli No.2, North Crescent Road,
T.Nagar, Chennai-600 017

2. M/s.Bhoruka Steel Ltd.,
No.308, Thambu Chetty Sreet,
Chennai-600 001

3. Chennai port Trust,
Represented by its Chairman
Chennai-600 001.

4. M/s. Midland Resources Holding Ltd.,
P.O.Box No.646, Havelet House,
South Esplanade Street, Peter Port,
Guernsey Channels Islands, GIY 3J2.

...Defendants



Civil Suit praying that this Hon'ble Court be pleased to pass a judgement and decree against the defendants:

i. to direct the defendants to jointly and severally pay the plaintiff a sum of Rs20 crores with interest at 18% per annum from the date of suit till the date of realization in full.

ii. For cost of the suit

This civil suit coming on this day before this court for hearing in the presence of Mr. J.Manivannan, advocate for the plaintiffs herein and Mr.S.Raghunathan, advocate for the 1st defendant herein and Mr.G.Balasubramanian for M/s. Poovayya &co., advocates for the 2nd defendant herein and Mr.R.Karthikeyan, advocate for the 3rd defendant herein and upon reading the plaint and the memo dated 15/09/2021 filed herein and **it is ordered as follows:-**

That the suit in C.S.No. 190 of 2008 be and is hereby dismissed as withdrawn.

2. That a certificate under section 69 of the Tamil Nadu court Fees and suits Valuation Act XIV of 1955 (Amended Act), do issue herein, out of and under the seal of this court in favour of Mr.S.Ramakrishna Sadasivan, Liquidator of the plaintiff company, authorising him to receive from the pay and Accounts office, High court, Chennai a sum of



being the entire court fee paid on the plaint by the plaintiffs herein.

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3. That the cheque shall be handed over to Mr.J.Manivannan, learned counsel for the plaintiffs.

4. That as far as the counter claim is concerned, the defendants herein shall be entitled to make a claim before the learned official Liquidator.

5. That the learned official Liquidator shall receive the claim and consider the same on merits dehors the question of limitation, if the claim is filed within 60 days from this date. (i.e.) on or before 21/11/2021.

6. That a certificate under Section 69 of The Tamil Nadu Court Fees and suits Valuation Act XIV of 1955(Amended Act) do issue herein, out of and under the seal of this court in favour of M/s. Boruka Steel Ltd., the 2nd defedant herein, authorising them to receive from the pay and Accounts office, High court, Chennai, a sum of Rs.1.02.120/-(Rupees one lakh two thousand one hundred and twenty only) being the entire court fee paid on the counter claim by the 2nd defendant herein.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
21ST OF SEPTEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)



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12.10.2021

C.S.No.190 OF 2008

ORDER

Dated:21.09.2021

THE HON'BLE MR. JUSTICE

R.SUBRAMANIAN

FOR APPROVAL: 16.11.2021

APPROVED ON : 16.11.2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.190 of 2008

1.M/s.Surana Industries Ltd.,
Represented by its Managing Director,
Mr.Dineshchand Surana,
No.29, Whites Road, 2nd Floor,
Royapettah, Chennai – 600 014.

2.Mr.Ramakrishna Sadasivan, Company Liquidator,
M/s.Surana Industries Ltd.,
(a Company in Liquidation),
29, Whites Road, 2nd Floor, Royapettah,
Chennai – 600014.
(2nd Plaintiff impleaded as per order dated
03.12.2019 in Appl.No.8364 of 2019)

...Plaintiffs

Vs.

1.M/s.Good Earth Maritime Ltd.,
Haveli No.2, North Crescent Road,
T.Nagar, Chennai – 600 017.

2.M/s.Bhoruka Steel Ltd.,
No.308, Thambu Chetty Street,
Chennai – 600 001.

3.Chennai Port Trust,
Represented by its Chairman,
Chennai – 600 001.

4.M/s.Midland Resources Holding Ltd.,
P.O.Box 646, Havelet House,
South Esplanade Street, Peter Port,
Guernsey Channels Islands,
GIY 3JS.

...Defendants



Prayer: Plaintiff filed under Order VII Rule 1 of C.P.C., r/w. Order IV Rule 1 of the original side rules, praying to direct the defendants to jointly and severally pay the plaintiff a sum of Rs.20 Crores with interest at 18% per annum from the date of suit till the date of realization in full and for costs of the suit.

For Plaintiffs : Mr.J.Manivannan

For Defendants : Mr.G.Balasubramanian for

M/s.Poovayya & Co for D2

Mr.R.Karthikeyan for D3

Mr.S.Raghunathan for D1

J U D G M E N T

Mr.J.Manivannan, learned counsel appearing for the Liquidator has filed a memo seeking permission to withdraw the suit. He has also prayed for refund of the Court fee. The said memo is taken on file and this suit is dismissed as withdrawn.

2.Considering the fact that the Court fee paid is huge, there will be an order for refund of the Court fee paid, by issuing a cheque in favour of Mr.S.Ramakrishna Sadasivan, Liquidator of the plaintiff Company. Cheque to be handed over to Mr.J.Manivannan, learned counsel for the plaintiffs.

As far as the counter claim is concerned, the defendants are entitled to make



a claim before the learned Official Liquidator. The learned Official Liquidator shall receive the claim and consider the same on merits *de hors* the question of limitation, if the claim is filed within 60 days from today.

3. In view of the direction, the Court fee paid on the counter claim is also directed to be refunded to the 2nd defendant by issuing a cheque in the name of the 2nd defendant.

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

21/09/2021

//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/Decrees in this format.