



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 21ST DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE N. SESHASAYEE

C.S.No. 219 of 2009

Anil Kumar Daga,
Son of K.C. Daga,
Aged about 48 years,
19-C, III Floor,
Nungambakkam High Road,
Chennai – 600 034.

... Plaintiff

-Vs-

1. R.T. Palanivelu,
Son of Thirumani,
Proprietor,
Build Tech Engineers,
No.5, Sarojini Street,
T.Nagar, Chennai – 600 017.
2. T. Karpagambal,
Wife of Thirunavukarasu,
Aged about 53 years,
No.8, Erikkarai Street,
Adambakkam, Chennai – 600 088.
3. M. Chandran,
Son of Marimuthu,
No.6, Kothandan Street,
Sekar Nagar, Chennai – 600 095.
4. A. Kasthuri,
Wife of E. Aranganathan,
about 59 years,
No.1, Parthasarathy Nagar, 3rd Street,
Adambakkam, Chennai – 600 088.

... Defendants



Civil Suit praying that this Hon'ble Court be pleased to pass a judgment and decree

a) directing the 1st, 2nd and 3rd Defendants to pay to the Plaintiff a sum of Rs.30,85,862/- along with interest thereon at the rate of 24% per annum as may accrue between the date of this Plaint and the date of payment in full along with the costs of this Suit, on such firm date as may be specified by this Hon'ble Court; and

b) In default of payment by the 1st, 2nd and 3rd Defendants of such Decreetal Amount on or before the date so specified, this Hon'ble Court may further be pleased to direct that the properties more fully described in Item Nos.1 & 2 of the Schedule hereunder may be caused to be sold and the proceeds of such sale, after defraying there from the expenses of the sale, be applied in and towards the payment of the amount so directed to be paid to the Plaintiff;

c) That in the event of the Sale proceeds not being sufficient for the payment in full of the Decreetal amount, this Hon'ble Court may further be pleased to direct the 1st, 2nd & 3rd Defendants to pay to the Plaintiff the amount of such deficiency with interest thereon at such rate as may then be determined by this Hon'ble Court until realization; and

d) That for the above purpose, this Hon'ble Court may be pleased to give all proper directions and take appropriate accounts.



WEB COPY

This Civil Suit coming on this day before this Court for hearing in the presence of Mr.B.Vijay, Advocate for the 4th defendant herein, and the plaintiff and defendants 1 to 3 herein, not appearing in person or by advocate and upon reading the plaint filed in C.S.No. 219 of 2009 and this Court having observed that this is the 2nd occasion the case is not represented by anybody, **it is ordered and decreed as follows:-**

That the suit in C.S.No. 219 of 2009 be and is hereby dismissed for default.

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

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 21ST DAY OF DECEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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



WEB COPY

ED
05.01.2022

4

C.S.No. 219 of 2009

ORDER

DATED: 21.12.2021

THE HON'BLE MR. JUSTICE
N.SESHASAYEE

FOR APPROVAL: 06/01/2022

APPROVED ON: 07/01/2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

C.S. No. 219 of 2009

Anil Kumar Daga

..Plaintiff

Vs.

1. R.T. Palanivelu

2. T. Karpagambal

3. M. Chandran

4. A. Kasthuri

..Defendants

Prayer : Civil Suit under Order IV Rule 1 r/w Order XXXVII Rule 2 of O.S. Rules r/w Order VII Rule 1 CPC praying for a judgment and decree (i) directing the 1st, 2nd and 3rd defendants to pay to the plaintiff a sum of Rs.30,85,862/- along with interest thereon at the rate of 24% per annum as may accrue between the date of the plaint and the date of payment in full along with the costs of this suit, on such firm date as may be specified by this Hon'ble Court (ii) in default of payment by the 1st, 2nd and 3rd defendants of such decretal amount on or before the date so specified, this Hon'ble Court may further be pleased to direct that the properties more fully described in Item Nos. 1 & 2 of the Schedule hereunder may be caused to be sold and the proceeds of such sale, after defraying therefrom the expenses of the sale, be applied in and towards the payment of the amount so directed to



be paid to the plaintiff and (iii) that in the event of the sale proceeds not being sufficient for the payment in full of the decretal amount, this Hon'ble Court may further be pleased to direct the 1st, 2nd and 3rd defendants to pay to the plaintiff the amount of such deficiency with interest thereon at such rate as may be then be determined by this Hon'ble Court until realization.

For Plaintiff :: No Appearance

For Defendants :: Mr.B. Vijay for D4

JUDGMENT

This is the second occasion the case is not represented by anybody.
Hence, the suit is dismissed for default. No costs.

Sd./-N.S.S.J.,
21.12.2021

//Certified to be true copy//
Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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