

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM:

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No.349 of 2003
and O.A.No.1050 of 2016

M/s.India Cements Capital Limited,
Dhun Building, 3rd and 4th Floor,
No.827, Anna Salai,
Chennai 600 002.
(Amended as per order dated 08.04.2014
in A.No.2356 of 2014)

... Plaintiff

..Vs..

1.M/s.Salem Textiles Ltd.,
LRN Building, IInd Floor,
Saradha College Road,
Salem 636 007.
Rep. by its Managing Director
Mr.R.Prabhakaran

2.Mr.R.Prabhakaran
No.67/2, fair lands,
Salem 636 016.

... Defendants

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PRAYER : Plaintiff filed under Order VII Rule 1 of the Civil Procedure Code and under Order IV Rule 1 of O.S.Rules, prayed for a Judgment and Decree:-

(a) Directing the defendants to pay a sum of Rs.2,45,87,456/- with interest at the rate of 24% per annum on Rs.1,38,56,717/- from the date of plaint till payment.

(b) Grant such other relief.

For Plaintiff : Mr.Patrick

For Defendants : No Appearance

JUDGMENT

The learned counsel for the plaintiff is present. On an earlier hearing date on 22.02.2021, it had been recorded that the learned counsel for the defendants had expressed their intention not to appear any further for the defendants. The names of the defendants have been printed in the cause list.

2. A perusal of the written statement show that the defendants have taken a stand that the suit is bared under Section 22 of the Sick

Industrial Acts (Special Provisions Act), since proceedings have been initiated before the Board for Industrial and Financial Reconstruction. The said Board does not function any more.

3. However, the plaintiff is given the liberty to approach any authority which is now seized of the affairs of the defendants and seek necessary reliefs.

4. The suit is dismissed granting such liberty to the plaintiff and without prejudice to the fact that the suit is now dismissed. No order as to costs. Connected application is closed.

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Index : Yes / No
Web : Yes / No
rna

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C.V.KARTHIKEYAN, J

rna



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