

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 22ND DAY OF MARCH 2021

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

A.No.1158 of 2020
in
C.S.No.474 of 2019

S.Udhyashankar
S/o.Shanmugha Naicker,
436/4, Kelambakkam Main Road,
Kolappakkam Village and Post,
Via Vandalur,
Chennai 600 127.

..Applicant/Plaintiff

-Versus-

1.M/s.Bharath Petroleum Corporation Ltd.,
Represented by its Territory Manager,
No.35, Vaidyanathan Street,
Tondiarpet, Chennai 600 081.

2.L.Ramachandran
Prop. M/s.Ramachandra Agencies (BPCL),
1/524, G.S.T.Road, Vandalur,
Chennai-600 048.

..Respondents/Defendants

Application praying that this Hon'ble Court be pleased to grant the summary judgments allowing the claim in directing the defendants to pay the liquidated damages of Rs.3,65,25,600/- along with interest at the rate of 24% on the said sum of Rs.3,65,25,600/- payable from the date of filing the suit till the payment in full and to pay future damages at the rate of

Rs.2,13,600/- per month payable from 31.10.2018 till 15.11.2019 when the defendants vacated and delivered vacant possession of the suit schedule property and the cost of the suit.

This Application coming on this day before this court for hearing, the Court made the following order:

A memo has been filed by the learned counsel for the plaintiff which is as follows:

"Under these circumstances, the applicant / plaintiff is not pressing the application in A.No.1158 of 2020 for the present with liberty to file fresh petition at appropriate stage taking into consideration of the written statement filed the 2nd defendant also.

It is therefore respectfully prayed that this Hon'ble High Court may be pleased to record the memo and dismiss the application in A.No.1158 of 2020 in C.S.No.474 of 2019 with liberty to move fresh application at appropriate stage and thus render justice.

Dated at Chennai this the 1st day of March 2021.

*sd/---,
Counsel for the applicant / plaintiff."*

2. In view of the same, application is dismissed. If necessity arises for filing similar application plaintiff can file the same. However, it would also been open to the defendants to point out that earlier application has been withdrawn by the plaintiff.

3. With the said observation, application is dismissed.

Sd./-C.V.K.J.
22.03.2021

//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.

JJ 31/03/2021

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