

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2021

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.S(Comm.Div.).No.460 of 2019

M/s.HEMANG RESOURCES LTD.,
Plot No.4, 6th Avenue Harington Road,
Chetpet, Chennai 600 031,
Tamilnadu
Represented by its
Chief Executive Officer & Whole Time Director
Mr.Deepak Tiwary

... Plaintiff

Versus

SSP SPONGE IRON PVT.LTD.,
3-4-811, D Block, Road No.1, Bakatpura,
Hyderabad-500 027,
Telangana

... Defendant

Prayer: The Civil Suit has been filed under Order IV Rule 1 of the Original Side Rules 1956 read with Order VII Rule 1 of the Code of Civil Procedure, 1908 as amended by the Commercial Courts Act, praying for,

(a). Directing the Defendant to pay the sum of Rs.1,47,99,363/- (Rs.98,86,792/- together with interest of Rs.49,12,571/- calculated at 18% per

annum from 31.03.2016 to 31.01.2019) and further interest from date of plaint till date of recovery and for the costs of the suit.

For Plaintiff : No appearance

JUDGMENT

(This case has been heard through video conference)

The suit is for recovery of money filed by the sole plaintiff against the sole defendant.

2. The suit summon served on the sole defendant was returned unserved. Hence the matter was posted on 12.07.2021 for further proceedings. On the said date of hearing, this Court ordered fresh summons to the defendant and directed the Registry to post the matter after four weeks. Accordingly, on 09.08.2021, the matter was listed for hearing. On that day, there was no representation for the plaintiff. Recording that the plaintiff has not paid batta as ordered on 12.07.2021, the case was adjourned today (i.e. 07.09.2021).

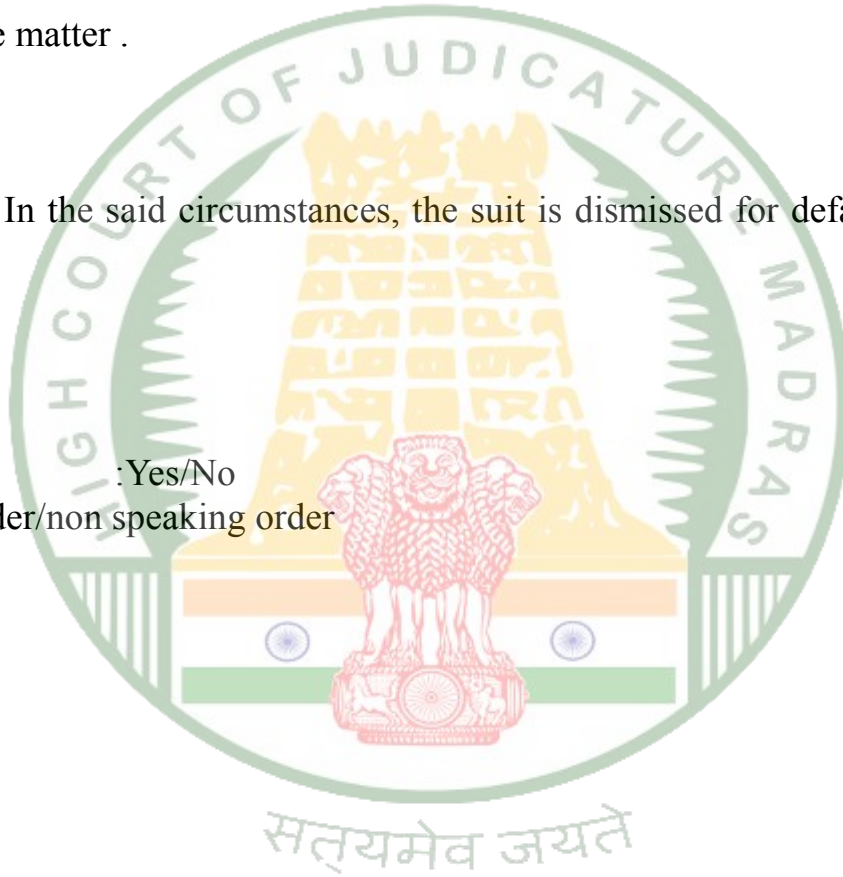
3. Today, when the matter is listed, again, there is no representation for the plaintiff. The suit was filed as a commercial dispute, invoking the provisions

of the Commercial Courts Act. The plaint was presented on 29.03.2019. Leave to sue was granted on 25.06.2019 and thereafter, the plaintiff has not ensured the service of summons on the sole defendant. In spite of direction to take fresh summons, the plaintiff has failed to pay batta and also had not turned up to represent the matter .

4. In the said circumstances, the suit is dismissed for default. No costs.

07.09.2021

Index : Yes/No
speaking order/non speaking order
rpl

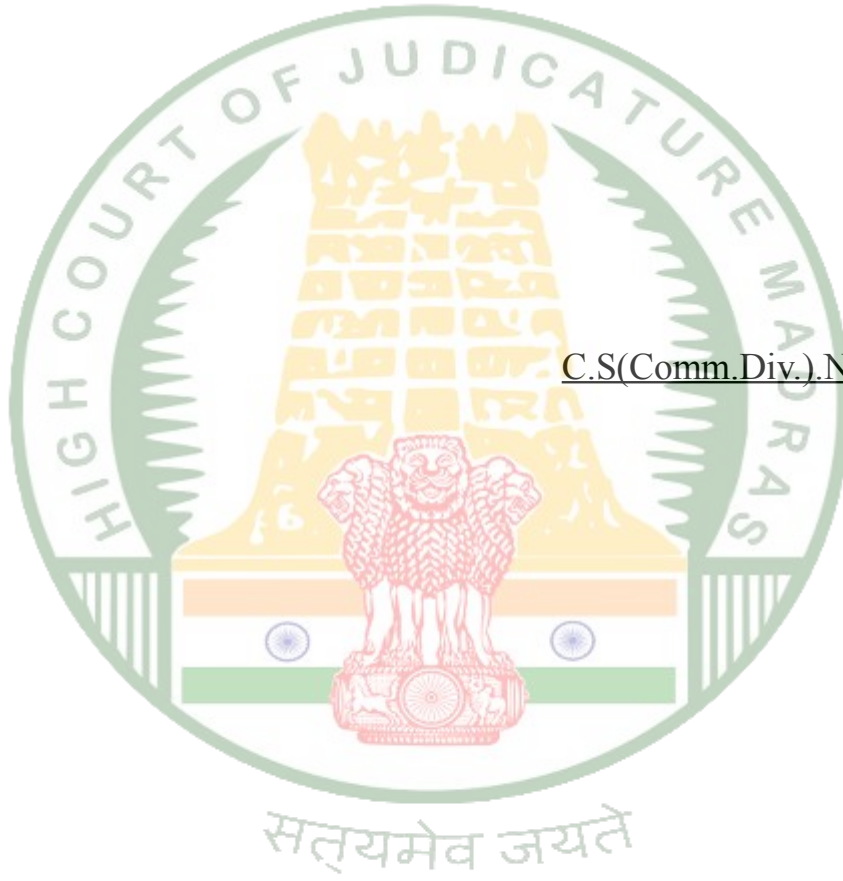


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DR.G.JAYACHANDRAN, J.

rpl



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