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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 08TH DAY OF JULY 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

C.S.No.228 of 2016

M/s.Shriram City Union Finance Limited,
having its Registered Office at
No.123, Angappa Naicken Street,
Chennai, rep. by its Authorized Signatory,
Ms.C.Subha.

... Plaintiff

/versus/

Mr.Vijay R Vakharia,
No.1, Whites Road, Opp to Express Avenue,
Royapettah, Chennai – 600 014.

... Defendant

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

(i). Directing the defendant to pay the plaintiff a sum of
Rs.3,81,87,478/- together with interest at the rate of 25% per annum from
the date of plaint till date of realization

(ii). Directing the defendant to pay to the plaintiff the cost of
this suit.

This Civil suit coming on this day before this court for hearing in the
presence of Mr.R.Umashankar, Advocate for the Plaintiff herein and

Mr.R.Subramanian, Advocate for the defendant herein and upon reading the
plaint filed herein, and the learned counsel for the plaintiff as well as the



defendant having stated that pursuant to the dismissal of the Application No.75 of 2017 filed by the defendant, the plaintiff filed an Insolvency Petition against the defendant and in the said Insolvency Petition No.7 of 2020, the parties have entered into a compromise and the matter has been settled. it is ordered as follows:-

That the Suit in C.S.No. 228 of 2016, be and is hereby disposed.

2. That there shall be no order as to costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
08th DAY OF JULY 2021.

Sd./-

ASSISTANT REGISTRAR (COMM.CASES)

//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.



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SK-15.07.2021

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C.S.No.228 of 2016

ORDER :-
DATED:08.07.2021

THE HON'BLE DR. JUSTICE
G.JAYACHANDRAN

FOR APPROVAL:16.07.2021

APPROVED ON: 20.07.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 08.07.2021

Coram::

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.S.No.228 of 2016

M/s.Shriram City Union Finance Limited,
having its Registered Office at
No.123, Angappa Naicken Street,
Chennai, rep. by its Authorized Signatory,
Ms.C.Subha.

... Plaintiff

/versus/

Mr.Vijay R Vakharia,
No.1, Whites Road, Opp to Express Avenue,
Royapettah, Chennai – 600 014.

... Defendant

Prayer: Complaint is filed under Order VII Rule 1 & 2 of Original Side Rules read with Order XXXVII Rule 1 of Code of Civil Procedure, 1908.

(i). Directing the defendant to pay the plaintiff a sum of Rs.3,81,87,478/- together with interest at the rate of 25% per annum from the date of complaint till date of realization

(ii). Directing the defendant to pay to the plaintiff the cost of this suit.

For Plaintiff : Mr.R.Umashankar

For Defendant : Mr.R.Subramanian

JUDGMENT



The Learned Counsel for the plaintiff and the defendant are present. The suit filed as an under chapter suit in C.S.No.228 of 2016 was decreed, after being posted before the Master in the *lis* of undivided Board on 19.07.2016. Thereafter, the defendant had taken out an application to condone the delay of 127 days to file his application to leave to defend the suit.

2. This Court, after recording the *exparte* decree passed by the Learned Master on 19.07.2016, dismissed the condone delay application on 13.07.2018.

3. Today, (08.07.2021), the case is listed again, the Learned Counsel appearing for the plaintiff as well as the defendant states that pursuant to the dismissal of the Application No.75 of 2017 filed by the defendant, the plaintiff filed an Insolvency Petition against the defendant and in the said Insolvency Petition No.7 of 2020, the parties have entered into a compromise and the matter has been settled.

4. In the light of the above facts, nothing survives in the suit any further. Hence, the ***Suit is disposed.*** There shall be no order as to costs.

Sd./-(G.J.J.,)
08.07.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

