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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.408 of 2019

and

A.No.614 of 2020

Jagadeesan Ganesh,
S/o.Jagadeesan,
No.18F, Pine Mansion,
Harbour View Garden,
Taikoo Shing, Hankong,
Temporary Address,
Plot No.985, 67th Street,
11th Sector, K.K.Nagar,
Chennai – 600 078.

... Plaintiff

/versus/

1. Bank of Baroda,
R.K.Nagar Branch,
No.60, V.K.Iyer Road,
R.A.Puram, Chennai – 600 028.
Rep. by its Chief Manager,

2. Bank of Baroda,
Regional Office,
No.10, C.P.Ramasamy Road,
Chennai – 600 018.

3. M/s.S.J.Kala Agro Foods Private Limited,
No.288, T.T.K.Road,
Alwarpet, Chennai – 600 028.

... Defendants

Civil suit praying that this Hon'ble be pleased to pass a judgment and



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(i). Directing the 1st defendant to pay the plaintiff the sum of Rs.2,42,14,756/- together with interest at the contract rate from the date of planit till the date of actual payment.

(ii). To pay the cost of the suit to the plaintiff.

A.No.614 of 2020:-

1. Bank of Baroda,
R.K.Nagar Branch,
No.60, V.K.Iyer Road,
R.A.Puram, Chennai – 600 028.
Rep. by its Chief Manager,

2. Bank of Baroda,
Regional Office,
No.10, C.P.Ramasamy Road,
Chennai – 600 018.

: Applicants

-vs-

Jagadeesan Ganesh,
S/o.Jagadeesan,
No.18F, Pine Mansion,
Harbour View Garden,
Taikoo Shing, Hankong,
Temporary Address,
Plot No.985, 67th Street,
11th Sector, K.K.Nagar,
Chennai – 600 078.

: Respondent

Application praying that this Hon'ble be pleased to pass a summary judgement by dismissing the above suit in toto with exemplary cost.

This Civil suit alongwith application coming on this day before this court for hearing in the presence of Mr.M.Praveen Kumar, Advocate for the

Defendants 1 and 2 in C.S.No.408 of 2019 and for the Applicants in



A.No.614 of 2020 and the plaintiff in C.S.No.408 of 2019 and for the respondent in A.No.614 of 2020 not appearing in person or by advocate and upon reading the plaint filed in C.S.No.408 of 2019 and the judges summons and the affidavit of C.Suresh Samraj filed in A.No.614 of 2020, and this court having observed that without adverting to the merits of the Application No.614 of 2020, wherein, the summary decree is sought by the defendant to dismiss the suit. For the default of the plaintiff, the suit is dismissed.

It is ordered as follows:-

That the Suit in C.S.No.408 of 2019 be and is hereby dismissed.

2. That the connected A.No.614 of 2020 do stand closed.

3. 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.)

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SK-27.08.2021

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C.S.No.408 of 2019
and
A.No.614 of 2020

ORDER :-
DATED : 08.07.2021

THE HON'BLE DR.JUSTICE
G.JAYACHANDRAN

FOR APPROVAL:31.08.2021

APPROVED ON:02.09.2021



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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.408 of 2019
& A.No.614 of 2020

Jagadeesan Ganesh,
S/o.Jagadeesan,
No.18F, Pine Mansion,
Harbour View Garden,
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Plot No.985, 67th Street,
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... Plaintiff

/versus/

1. Bank of Baroda,
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Rep. by its Chief Manager,

2. Bank of Baroda,
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Chennai – 600 018.

3. M/s.S.J.Kala Agro Foods Private Limited,
No.288, T.T.K.Road,
Alwarpet, Chennai – 600 028.

... Defendants

Prayer: Plaint is filed under Order IV Rule 1 of Original Side Rules, 1956

read with Order VII Rule 1 of C.P.C.,



(i). Directing the 1st defendant to pay the plaintiff the sum of Rs.2,42,14,756/- together with interest at the contract rate from the date of planit till the date of actual payment.

(ii). To pay the cost of the suit to the plaintiff.

For Plaintiff : No appearance

For D1 & D2 : Mr.M.Praveen Kumar

JUDGMENT

The is a suit for recovery of money filed by a customer as against the banker. The defendants have filed the respective written statement and also an application to a pass summary decree dismissing the suit with exemplary costs was taken out by the defendants. At that stage, the Learned Counsel, who initially filed the suit for the plaintiff had informed the defendant's counsel and this Court that he has given consent for change of counsel. At that stage, this Court has issued notice to the plaintiff informing the withdrawal of the Vakalat by their Counsel Mr.Devasenan.

2. From the Office note, this Court finds that Mr.S.Venkatesan

and S.Jaganathan, has filed Vakalat on behalf of the plaintiff in Diary



No.2050/2020 but the same was returned for defective filing. Neither the plaintiff nor his new counsel has taken steps to represent the Vakalat.

3. The suit is listed today to hear the application of the defendant to pass summary decree. The name of the plaintiff and the name of the new counsel whose Vakalat returned is printed in the cause list. Since the pleadings are already been completed, the plaintiff ought to have filed the affidavit of admission and denial. However, there is no representation for the plaintiff.

4. In the said circumstances, without advert to the merits of the Application No.614 of 2020, wherein, the summary decree is sought by the defendant to dismiss the suit. For the default of the plaintiff, the suit is dismissed. There shall be no order as to costs. Consequently, connected Application is also closed.

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

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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