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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 4TH DAY OF FEBRUARY 2021

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

A.No.1988 of 2020

in

C.S.No.667 of 2018

M/s.Denwood Merchandising and
Industries Private Limited,
Represented by its
Authorised Representative,
Mr.P.Dēepak Kothari, aged 43 years,
S/o.Mr.P.CKothari,
No.C-13/11, 2nd Floor,
10th Street,
'C' Block,
Anna Nagar East,
Chennai – 600 102.

..Plaintiff

Vs.

Y.Rubandas,
S/o.Mr.J.Yesudas,
No.69/246, First Street,
Agan Nagar,
Arakkonam Town,
Arakkonam Taluk,
Vellore District – 631 002.

..Defendant

A.No.1988 of 2020:

Y.Rubandas,
S/o.Mr.J.Yesudas,
No.69/246, First Street,
Agan Nagar,
Arakkonam Town,
Arakkonam Taluk,
Vellore District – 631 002.

..Applicant



Vs.

M/s.Denwood Merchandising and
Industries Private Limited,
Represented by its
Authorised Representative,
Mr.P.Dēepak Kothari, aged 43 years,
S/o.Mr.P.CKothari,
No.C-13/11, 2nd Floor,
10th Street, 'C' Block,
Anna Nagar East,
Chennai – 600 102.

..Respondent

Application praying that this Hon'ble Court be pleased to set-aside the ex-parte order passed on 21.08.2020 in Application No.483/2020, and C.S.(Comm.Div.,) No.667/2018.

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

This application has been filed seeking to set aside the order passed on 21.08.2020 in A.No.483 of 2020.

2. A.No.483 of 2020 had been filed by the plaintiff seeking to pass a final decree under Order 34 Rule 5 of the Code of Civil Procedure, pursuant to Judgment granting preliminary decree dated 21.01.2019. The Judgment dated 21.01.2019 was passed owing to the fact that the defendant had not appeared before the Court. The learned Single Judge while passing the said

Judgment had observed that sufficient opportunity had been granted and



that the defendant had deliberately not participated in the Judicial Proceedings. A detailed Judgment passed granting preliminary decree. The defendant was directed to comply with the decree within a period of three months from the date from which the copy of the Judgment and Decree was made ready by the Registry. A sum of Rs.3,00,000/- (Rupees Three Lakhs only) also awarded as costs.

3. Without filing any application to re-visit the said Judgment, the present application is not maintainable.

4. This application is dismissed.

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

04.02.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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