

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.10.2021

Coram:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

C.S.No.300 of 2021
and
O.A.Nos.619 and 621 of 2021

M/s.Sun-X Concrete India Pvt. Ltd.,
Rep. by its Authorised Signatory
Mr.M.Magesh
Survey No.1/1, Koyambedu Village,
Block 64, SAF Games Village Scheme,
Koyambedu, Chennai-600 107.

.. Plaintiff

Vs.

1. Centre for Indian Trade Union,
Rep. by its Secretary,
Nallasivayam Ninaivagam,
No.13, Mosque Street,
Chepauk, Chennai-600 005.

2. Chennai Perunagar Motor Vagana Thozhilalar Sangam,
Rep. by its Secretary,
No.52, Cooks Salai, Ottery,
Chennai-600 012.

3. Mr.Raja, S/o Mr.Chinraj

4. Mr.Ramanathan Govindharajan, S/o Mr.Govindharaj

5. Mr.Jayaraman

6. Mr.V.Kuppusamy

.. Defendants

Plaint filed under Order IV Rule 1 of the Original Side Rules of this Court, read with Order VII of the Civil Procedure Code (CPC) and the suit numbered as C.S.No.300 of 2021, praying for the judgment and decree against the defendants as under:

(a) For a declaration declaring that the strike called for and conducted on 25.08.2021 by the defendants without giving any notice to the plaintiff and damaging the properties of the plaintiff besides obstructing the co-workers from performing their duties, is illegal and bad in law.

(b) For damages of Rs.1,02,00,000/- (Rupees one crore and two lakhs only) towards loss sustained by the plaintiff on account of the illegal strike conducted by the defendants within the premises of the plaintiff on 25.08.2021 without giving any notice to the plaintiff and damaging the properties of the plaintiff and obstructing the work being carried on by the plaintiff.

(c) For a permanent injunction restraining the defendants, their men, agents, servants, or any person claiming through them or under them including the members of the 1st and 2nd defendants from obstructing and preventing the ingress and egress of men, materials and free movement of vehicles from and to the plants of the plaintiff, and

(d) for the costs.

For plaintiff : Mrs.Revathi Manivannan

JUDGMENT

The suit has been filed for the following prayers:

(a) For a declaration declaring that the strike called for and conducted on 25.08.2021 by the defendants without giving any notice to the plaintiff and damaging the properties of the plaintiff besides obstructing the co-workers from performing their duties, is illegal and bad in law.

(b) For damages of Rs.1,02,00,000/- (Rupees one crore and two lakhs only) towards loss sustained by the plaintiff on account of the illegal strike conducted by the defendants within the premises of the plaintiff on 25.08.2021 without giving any notice to the plaintiff and damaging the properties of the plaintiff and obstructing the work being carried on by the plaintiff.

(c) For a permanent injunction restraining the defendants, their men, agents, servants, or any person claiming through them or under them including the members of the 1st and 2nd defendants from obstructing and preventing the ingress and egress of men, materials and free movement of vehicles from and to the plants of the plaintiff, and

(d) for the costs.

2. The case of the plaintiff-Company is that they are involved in manufacture and supply of ready mix concrete. They have entered into a service agreement, dated 01.06.2020 with one M/s.A.R.Constructions, a registered Partnership Firm, which had agreed to transport ready mix concrete through the drivers engaged by the said firm from one place to another as instructed by the plaintiff through lorries owned by the plaintiff on terms and conditions contained therein.

3. In terms of the said agreement, the registered partnership firm with whom the agreement was entered into by the plaintiff, had supplied work force/drivers and under the terms of the contract, the partnership firm was required to ensure that its drivers attend work without fail.

4. According to the plaintiff, due to insubordination and lack of devotion to duty, the defendants 3 and 4 who are working as lorry drivers, were terminated on 24.08.2021 by the said contracting firm (partnership firm). At this, on 25.08.2021, the defendants 3 to 6 have instigated all the

drivers employed by the contracting firm to stage an illegal strike inside the premises of the plaintiff-Company and brought the entire business operations to a stand-still. Despite the plaintiff's efforts to negotiate for settlement of any dispute, the same has been escalated, resulting in complete dislocation of the operation of the plaintiff's business.

5. In the above circumstances, the suit has been filed claiming damages to the tune of Rs.1,02,00,000/- towards the loss suffered by the plaintiff-Company on account of the unscrupulous and unethical acts of the defendants.

6. In support of the plaintiff's plaint, the following documents were filed under Order 7 Rule 14(1) CPC:

<i>Sl. No.</i>	<i>Date</i>	<i>Description</i>	<i>Nature of document</i>
1	25.08.2021	Copy of complaint filed with the Inspector of Police, Koyambedu Police Station along with postal receipt	Original
2	25.08.2021	Copy of complaint filed with the Inspector of Police, Puzhal Police Station along with CSR Receipt	Original

Sl. No.	Date	Description	Nature of document
3	25.08.2021	Copy of complaint filed with the Inspector of Police, Oragadam Police Station along with Postal Receipt	Original
4	25.08.2021	Copy of complaint filed with the Inspector of Police, Poonamallee Police Station along with Postal Receipt	Original
5	25.08.2021	Copy of complaint filed with the Inspector of Police, Kelambakkam Police Station, along with Postal Receipt	Original
6	30.08.2021	Copy of complaint filed with the Commissioner of Police, Vepery	Original
7	05.04.2021	Copy of Board Resolution	Original
8	--	Copy of photographs	Original

7. From the averments as contained in the plaint, this Court is unable to appreciate as to the basis of claim for damages to the tune of Rs.1,02,00,000/- for suffering loss in the business, as no shred of material has been filed or relied upon to even remotely sustain the claim. The plaint contains bald averments, as the entire suit has been laid on baseless premise. This Court finds that, not a minimum effort has been spared by the plaintiff to come up with a legally acceptable plea to entertain the suit. It appeared as though that mere mentioning of valuation of Rupees One Crore, the suit can

be brought within the Original Side Jurisdiction of this Court, without a modicum of averments or materials supporting the so-called valuation. As could be seen from the list of documents extracted supra, they all relate to the complaints preferred by the plaintiff to the Police and the copy of the Board Resolution dated 05.04.2021 and copies of the photographs.

8. The plaint is completely bereft of any detail as to the nature of the operations of the plaintiff-Company, as to how it was affected, how many days/hours the business operations suffered, etc. Not a single statement has been made in that regard in the entire plaint.

9. This Court is aghast as to how such bald plaint could be filed for claiming the damages for a sum of Rs.1,02,00,000/- and expect the suit to be sustained on the Original Side jurisdiction of this Court.

10. This Court is of the considered view that there is no iota of material or even a statement in the plaint disclosing the cause of action for laying the suit on the Original Side jurisdiction of this Court. Even

assuming that the plaintiff might have suffered loss due to the alleged disruptive activities of the defendants 1 and 2, it is incumbent upon the plaintiff to come up with the details in order to support the claim of damages.

11. Merely mentioning the figures, is not suffice for the present suit to be entertained by this Court on the Original Side. On the whole, this Court finds that there is complete absence of cause of action and also that the valuation of the suit has been highly fictitious and inflated, the suit cannot be entertained at all by this Court.

12. For the reasons stated above, the suit stands dismissed. No costs. Consequently, Original Applications are closed.

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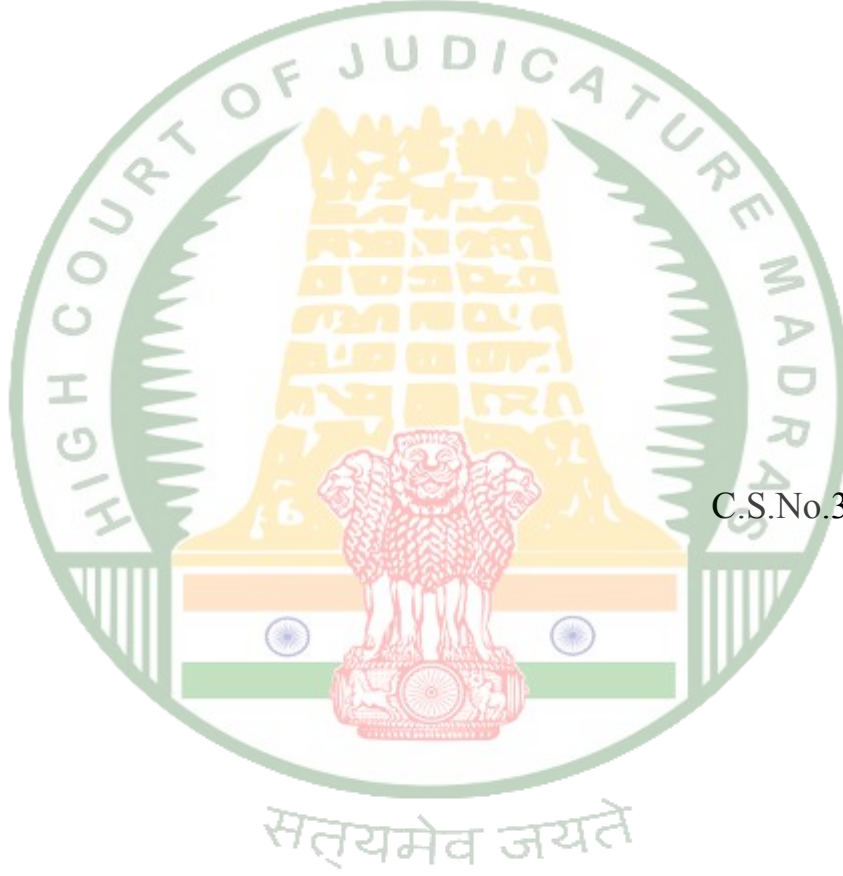
06.10.2021

Speaking Order: Yes

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Judgment dated 06.10.2021
in C.S.No.300 of 2021

V. PARTHIBAN, J



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06.10.2021
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