

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2021

Coram

The Hon'ble Mr. Justice **V.PARTHIBAN**

Application No.583 of 2017

in

C.S.D.No.3410 of 2017

Axis Bank Limited,
Corporate Banking Branch,
Ground Floor, Karumuthu Nilayam,
192, Anna Salai, Chennai – 600 002.
Rep by its Power of Attorney Holder
and Assistant Vice President,
Mr.R.Krishna Kumar

....Plaintiff

Vs.

- 1.Mr.Sunny Varkey
- 2.M/s.Everonn Education Limited,
Rep by its Managing Director,
Capital Towers,
Unit No.203 and 204, II Floor,
Door No.6/13 and 6/14,
Kodambakkam High Road,
Nungambakkam, Chennai – 600 034.
- 3.Everonn School Limited,
Rep by its Managing Director,
Capital Towers,
Unit No.203 and 204, II Floor,
Door No.6/13 and 6/14,
Kodambakkam High Road,
Nungambakkam, Chennai – 600 034.
- 4.Everonn Skilling India Limited,
Rep by its Managing Director,
Capital Towers,
Unit No.203 and 204, II Floor,

Door No.6/13 and 6/14,
Kodambakkam High Road,
Nungambakkam, Chennai – 600 034.

5.ICICI Bank Limited,
Rep by its Chief Manager,
No.1, Cenotap Road,
Teynampet, Chennai – 600 018.

6.State Bank of India,
Rep by its Chief Manager,
No.18/3, Sigappi Achi Building,
Rukmini Lakshmipathi Road,
Egmore, Chennai – 600 008.

...Respondents

Prayer: Civil Suit filed under Order IV Rule 1 of O.S.Rules, read with Order VII Rule 1 of the C.P.C., 1908 praying for permanent injunction restraining the defendant No.1, his men, agent, servants, assigns, representatives and/or any other person acting on his behalf or claiming through or under him, jointly and severally from proceedings with and/or prosecuting the case in Proceeding No.465 of 2016, Law suit No.20/2016/1484 or any other proceedings in Courts in Dubai as against the plaintiff in respect of the Deeds of Guarantee – I to IV, more fully described as Document Nos.2, 3, 5 and 7 to the plaint, executed by the defendant No.1 in favour of the plaintiff.

For Plaintiff .. Mr.V.V.Siva Kumar

For Respondent .. M/s.Kochhar & Co.

JUDGEMENT

Today when the matters are taken up for hearing, the learned counsel for the plaintiff has filed a memo dated 02.07.2021. According to the memo, the prayer in the present suit has become

infructuous in view of certain facts narrated in the memo. The contents of the memo are recorded hereunder;

"1.The plaintiff had filed the present suit being, C.S.Diary No.3410 of 2017, for a permanent permanent injunction restraining the defendant No.1, his men, agent, servants, assigns, representatives and/or any other person acting on his behalf or claiming through or under him, jointly and severally from proceedings with and/or prosecuting the case in Proceeding No.465 of 2016, Law suit No.20/2016/1484 or any other proceedings in Courts in Dubai as against the plaintiff in respect of the Deeds of Guarantee – I to IV, more fully described as Document Nos.2, 3, 5 and 7 to the plaint, executed by the defendant No.1 in favour of the plaintiff.

2.The plaintiff states that the aforesaid Law suit No.20/2016/1484 and the subsequent appeal filed by the defendant No.1 before the Courts in Dubai have all been dismissed, thereby rendering the present suit prayers as infructuous. In light of the above, the plaintiff seeks permission to withdraw the present suit and the connected application bearing A.No.583 of 2017.

3.WHEREFORE, it is most respectfully prayed that this Court may be pleased to take the instant Memo on record and dismiss the present suit bearing C.S.D.No.3410 of 2017 as withdrawn and also order refund of Court Fee remitted by the plaintiff, in the interests of justice and equity."

V.PARTHIBAN,J.

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2. Therefore, a request is made to withdraw the present suit and also refund of Court fee. In view of the above memo being filed, the Application and C.S.D.No.3410 of 2017 stands dismissed as withdrawn. The Registry is directed to refund the Court fee paid by the plaintiff according to the Original Side Rules read with the provisions of Tamil Nadu Court Fees and Suits Valuation Act, 1955. Therefore, the Application and the unnumbered Civil Suit stand dismissed as withdrawn. No costs.

23.07.2021

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Index:Yes/No
Internet:Yes
Speaking Order

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