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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 30TH DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

C.S. No.254 of 2017

Martin Rethinasamy
No.104, New No.18,
L.D.Road, Little Mount
Saidapet, Chennai- 600 015.

.. Plaintiff

/versus/

1. Amirtha and Santha Inc.
Office at Madras Palace,
15 Wertheim Court,
Richmond hill, Ontario,
Canada L4B3H7.

2. Mr. Chiral Purushotham
Office at Madras Palace,
No.19, Fulham Street,
Scarborough,
Ontario, M1S2A3,
Canada.

3. Mrs. Santha Purushotham
Office at Madras Palace,
No.19, Fulham Street,
Scarborough,
Ontario, M1S2A3,
Canada.

..Defendants

C.S. No.254 of 2017

This civil suit praying that this Hon'ble Court be pleased to pass a

judgment and decree for:-

<https://hcservices.ecourts.gov.in/hcservices/>

(a) directing the Defendants jointly and severally to pay the



plaintiff a sum of Rs.1,01,07,725/- together with further interest at 15% per annum on the principal sum of Rs.69,76,500/- from the date of plaint till realisation;

(b) directing the defendants to pay to the costs of the suit;

This Civil suit coming on this day before this court for hearing in the plaintiff herein not appearing in person or by advocate and upon reading the plaint filed herein in C.S.No. 254 of 2017 and this court having observed that the suit is of the year 2017 and even recording of evidence has not commenced in this case, **it is ordered as follows:-**

That that suit in C.S.No. 254 of 2017, be and is hereby dismissed for default.

2) That Connected Application do stand closed, if any

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

WITNESS, THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT OF MADRAS AFORESAID, THIS THE 30TH DAY OF NOVEMBER 2021

Sd/-

ASSISTANT REGISTRAR (O.S.II)

//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.



NS

10.12.2021

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C.S. No.254 of 2017

ORDER
DATED 30/11/2021

THE HON'BLE MR. JUSTICE
N.ANAND VENKATESH

FOR APPROVAL: 28/12/2021

APPROVED ON: 06/01/2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :30.11.2021

Coram:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

C.S. No.254 of 2017

Martin Rethinasamy

.. Plaintiff

/versus/

1. Amirtha and Santha Inc.
Office at Madras Palace,
15 Wertheim Court,
Richmond hill, Ontario,
Canada L4B3H7.

2. Chiral Purushotham
Office at Madras Palace,
No.19, Fulham Street,
Scarborough,
Ontario, M1S2A3,
Canada.

3. Santha Purushotham
Office at Madras Palace,
No.19, Fulham Street,
Scarborough,
Ontario, M1S2A3,
Canada.

..Defendants

Prayer: Civil Suit has been filed under Order VII, Rule 1 of the C.P.C. Read with Order IV, Rule 1 of the High Court Original Side Rules, praying to pass a judgment and decree for:-



before this Court for recording evidence.

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3. This is not the first occasion where the plaintiff has committed such a default. Even earlier, the plaintiff failed to file the affidavit of admission and denial of documents, inspite of being given an opportunity, time and again. Ultimately, this Court left with no other option passed an order on 23.09.2021, recording the fact that the plaintiff has not filed the affidavit of admission and denial and hence, the documents filed on the side of the defendants shall be admitted. The conduct of the plaintiff even today is only a continuation of what was happening during the previous hearings.

4. The suit is of the year 2017 and even recording of evidence has not commenced in this case. Considering the conduct of the plaintiff, the present Civil Suit is dismissed for default. Connected Applications are closed, if any. There shall be no order as to costs.

Sd/- N.A.V.J.
30/11/2021

//Certified to be true copy//
Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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