

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2021

CORAM

**THE HON'BLE MR.JUSTICE R.PONGIAPPAN**

**C.S. No. 454 of 2017**

K.Sujith Kumar .. Plaintiff

Vs

M.S.Bharat Raj .. Defendant

Civil Suit filed under Order XXXVII Rule 1 and 2 of the Original Side Rules r/w Order 34 Rule 1 CPC:

a) to grant mortgage decree directing the defendant to pay a sum of Rs.1,00,00,000/- together with interest at the rate of 12 % per annum from 01.03.2010 to till the date of plaint totaling Rs.1,07,60,000 and

b) to pay interest @ 6% per annum for the principal sum of Rs.1,00,00,000/- from the date of filing the suit till realisation and in failure sell the plaint schedule property and apply the net proceeds thereof in satisfaction of the Decretal Amount and if sale proceeds are not sufficient pass a personal decree against the defendant to pay the deficient amount together with interest till the payment is full;

c) to pay the cost of the suit

d) to pass such other or further relief or reliefs as this Court may deem fit and proper in the circumstances of this case.

For Plaintiff : Mr.C.K.M.Appaji

Defendant : Ex-parte vide order dated 15.12.2020

**JUDGMENT**

This Court has directed the plaintiff to pay the stamp duty on 08.02.2021 as a final opportunity.

2.Today when the matter was taken up for hearing, the plaintiff has not complied with the order dated 08.02.2021. Despite of repeated adjournments, the plaintiff has not paid the stamp duty as directed by this Court. Therefore, this suit is dismissed for default. No costs.

**22.02.2021**

msv

Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order

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C.S.No. 454 of 2017

**R.PONGIAPPAN, J.**

msv



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