



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 04TH DAY OF APRIL 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.58 of 2000

S.Kalyanasundaram
No.10, Temple Road,
Kilpauk, Madras-600 010

..Plaintiff

vs

1.Park Town Benefit Fund Ltd
Rep.by its Managing Director
No.223, South Mint Street,
First Floor, Park Town,
Madras - 600 003

2.M/s.Balajee & Co.,
Auctioneers & Estate Agents
No.103, Nyniappa Street,
Madras - 600 003

...Defendants

Civil suit praying that this Hon'ble Court be pleased to pass a decree of redemption and judgment in favour of the plaintiff against the defendants:

a)declaring that the amount payable by the plaintiff to the first defendant is a sum of Rs.40,43,320.40 under the mortgage deed dated 15.02.1994 registered as document No.464/1994 on the file of the Sub-

Registrar, Anna Nagar, Madras.



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- b)granting liberty to the plaintiff to apply for a final decree
- c)directing the defendants to pay the cost of the suit.

This civil suit coming on this day before this Court for hearing and the plaintiff and the defendants herein having not appeared in person or by advocate and upon reading the plaint filed herein and

it is ordered as follows:-

That the suit in C.S.No.58 of 2000 be and is hereby dismissed for non-prosecution.

- 2. That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 04TH DAY OF APRIL 2022.

Sd./-

ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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3

C.S.No.58 of 2000

ORDER:-

DATED : 04.04.2022

THE HON'BLE MRS. JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL: 09.06.2022

APPROVED ON : 09.06.2022



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4

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.58 of 2000

S. Kalyanasundaram

...Plaintiff

.Vs.

1. Park Town Benefit Fund Ltd.,
Rep. by its Managing Director,

2. M/s. Balajee & Co.
Auctioneers & Estate Agents

... Defendants

Prayer:

Plaint filed under Order VII Rule 1 of the CPC read with Order IV Rule 1 of the Original Side Rules praying for a judgment and decree as follows:-

a) declaring that the amount payable by the plaintiff to the 1st defendant is a sum of Rs.40,43,320.40 under the mortgage deed dated 15.02.1994 registered as document No.464 of 1994 on the file of the Sub-Registrar, Anna Nagar, Madras.

b) granting liberty to the plaintiff to apply for a final decree and

c) directing the defendants to pay the cost of the suit

For Plaintiff : No Appearance

For Defendants : No Appearance

**J U D G M E N T**

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This Court by its order dated 16.02.2007, has directed to refer the matter to the Mediation and Conciliation Centre, at the request of the learned counsel for the plaintiff as well as the 1st defendant. Since none of the parties appeared before the Mediation Centre during that period, the matter was again placed before this Court with the Mediation report dated 21.03.2007.

2. Thereafter, when the matter was listed on 24.03.2022 under the caption "For Un-defendant Board", there was no representation on behalf of both the parties. Further, even though the defendants 1 and 2 were served in the year 2000, they have not filed any Written Statement till date and hence the matter was directed to post on 04.04.2022 under the caption "For Dismissal".

3. Despite the same, even today, there is no representation on behalf of the plaintiff as well as the defendants either through counsel or in person.

4. In view of the above, the aforesaid Civil Suit stands dismissed for non prosecution. No costs.

Sd./-V.B.S.J.
06.04.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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