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C.S.No.214 of 2004 & C.S.No.926 of 2003

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.S.No.214 of 2004 & C.S.No.926 of 2003

and

A.No.7148 of 2015

Deen Dayal Educational and Health Trust
No.5110, H Block, 1st Street,
12th Main Road, Anna Nagar,
Chennai - 600 040.

Rep. by Dr.T.D.Naidu, Managing Trustee

... Plaintiff in C.S.No.214 of 2004

Vs.

1. Surana Industries Limited,
Formerly known as Surana Metals and Steels (India) Limited,
New No.29, Old No.16,
Whites Road, II Floor,
Royapettah,
Chennai - 600 014.
Rep by its Mr.Dinesh Surana, Managing Director,

2. Surana Industries Limited,
Formerly known as Surana Metals and Steels (India) Limited,
New No.29, Old No.16,
Whites Road, II Floor,
Royapettah,
Chennai - 600 014.
Rep by its V.M.Swami, Director (Finance)



C.S.No.214 of 2004 & C.S.No.926 of 2003

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3. Mr.Ramakrishnan Sadasivan,
The Company Liquidator of Surana Industries Limited,
Formerly known as Surana Metals and Steels (India) Limited
(now in liquidation),
New No.29, Old No.16,
Whites Road, II Floor,
Royapettah,
Chennai - 600 014.
(3rd defendant impleaded as per
order dated 06.08.2020 in A.No.215 of 2020)

... Defendants in C.S.No.214 of 2004

M/s Surana Industries Limited
(Formerly known as M/s Surana Metal &
Steels (India) Limited
New No.29, Old No.16, Whites Road,
II Floor, Royapettah
Chennai – 600 014 rep. by its authorised
Signatory, Mr.C.V.Venkatasubramanian

... Plaintiff in C.S.No.926 of 2003

Vs.

M/s Deen Dayal Engineering College
7, “H” Block, First Street,
12th Main Road, Anna Nagar
Chennai – 600 040.
rep. by its Managing Trustee

... Defendant in C.S.No.926 of 2009

Prayer in C.S.No.214 of 2004 : Civil Suit has been filed under Order VII Rules 1 and
2 of C.P.C to pass a judgment and decree as follows:



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(a) Directing the defendant to pay a sum of Rs.1,01,00,000/- with interest at 18% per annum from 25.01.2004 till date of payment in full.

(b) Directing the defendant to pay costs of the suit

(c) Granting any other relief which this Hon' ble Court deem fit and proper in the circumstances of the case.

Prayer in C.S.No.926 of 2003 : Civil Suit has been filed under Order VII Rule 1 read with Order IV Rule 1 of O.S.Rules to pass a judgment and decree as follows:

(a) against the defendant for a sum of Rs.39,66,650.00 at 18% p.a. on Rs.23,92,488/- with effect from 31.10.2003 to date of payment in full.

(b) for costs and

(c) for such other further or other relief as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

For Plaintiff in C.S.No.214 of 2004 : M/s G.Viswanathan

For Defendant No.1 in C.S.No.214 of 2004 : Mr.P.Krishnan

For Defendant No.2 in C.S.No.214 of 2004 : Died

For Defendant No.3 in C.S.No.214 of 2004 : Mr.C.Ramesh



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For Plaintiff in C.S.No.926 of 2003 : Mr.P.Krishnan

For Defendant in C.S.No.926 of 2003 : Mr.C.Ramesh

ORDER

The plaintiff in C.S.No.214 of 2004 has filed a memo to withdraw the suit with request for refund of court the fee. Recording the same, the suit stands withdrawn. Accordingly, the Court fee is directed to be refunded in accordance to the provision of the Tamil Nadu Court Fees Act. The connected suit filed by the defendant in C.S.No.214 of 2004 vide C.S.No.926 of 2003 is also liable to be dismissed, as the plaintiff, who is the defendant in the former suit is under liquidation. Liquidator is has also been appointed by the Company Law Borad by its order dated 12.10.2018 in MA/453/ 2018 in TCP/95/ (IB) / CB / 2017 filed by the Resolution Professional Mr.Ramakrishnan Sadasivan under Sub clauses (i) (ii) and (iii) of Clause (b) of Sub Section (1) of Section 33 of the I & B Code 2016.

2. Considering the fact that the plaintiff in C.S.No.214 of 2004/the defendant in C.S.No.926 of 2003 is under Liquidation, suit is also dismissed. Despite notice being



C.S.No.214 of 2004 & C.S.No.926 of 2003

ordered on the Resolution Professional / Mr.Ramakrishnan Sadasivan by this Court,
till date he has also not taking any steps for entering appearance.

3. In view of the above, the suits are dismissed. No costs. Consequently
connected application is closed.

16.12.2022

Index : Yes/No
Internet : Yes/No
nsa/adl
To

1. Deen Dayal Educational and Health Trust
No.5110, H Block, 1st Street,
12th Main Road, Anna Nagar,
Chennai - 600 040.
Rep. by Dr.T.D.Naidu, Managing Trustee
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Formerly known as Surana Metals and Steels (India) Limited,
New No.29, Old No.16,
Whites Road, II Floor,
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Steels (India) Limited
New No.29, Old No.16, Whites Road,
II Floor, Royapettah
Chennai – 600 014 rep. by its authorised
Signatory, Mr.C.V.Venkatasubramanian

6. M/s Deen Dayal Engineering College
7, “H” Block, First Street,
12th Main Road, Anna Nagar
Chennai – 600 040.
rep. by its Managing Trustee



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C.SARAVANAN, J.

nsa/adl

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and
A.No.7148 of 2015**

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