



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 8TH DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

A.No. 2466 of 2020

in

C.S. No.492 of 2019

C.S. No.492 of 2019:-

1.M/s Metal Impex,
Represented by its partner Mr. Kamlesh Jain
Prince Apartment,
59, Ormes Raod, 7th Floor,
Kilpauk,
Chennai-600 010.

2.Sneh. M.Jain,
S/o. Mr. Mukesh Kumar Jain,
Falt No.3D, Jain Villa Apartment, 3rd Floor,
No.9/10, Clemens Road, Vepery,
Chennai-600 007.

3.Mrs.Kalawati,
wife of Mr.Sohanlal,
No.20/2, Salai Street,
Choolai,
Chennai-600 112.

... Plaintiffs

-VS-

Mrs.Kanthimathi Bhaskar
W/o. P.C.Bhaskar
No.89, Poes Garden,
Chennai-600 086.

... Defendant



A.No. 2466 of 2020:-

Mrs.Kanthimathi Bhaskar
W/o. P.C.Bhaskar
No.89,Poes Garden,
Chennai 600 086

... Applicant

Vs.

1.M/s Metal Impex,
Represented by its partner Mr. Kamlesh Jain
Prince Apartment,
59, Ormes Raod,7th Floor,
Kilpauk,
Chennai-600 010.

2.Sneh. M.Jain,
S/o. Mr. Mukesh Kumar Jain,
Falt No.3D,Jain Villa Apartment,3rd Floor,
No.9/10,Clemens Road,Vepery,
Chennai-600 007.

3.Mrs.Kalawati,
wife of Mr.Sohanlal,
No.20/2,Salai Street,
Choolai,
Chennai-600 112.

... Respondents

Application praying that this Hon'ble Court be pleased to set aside the Decree and Judgment dated 28.02.2020 passed by the Learned Master of the High Court of Madras in A.No.6614 of 2019 in C.S.No.492 of 2020.

This Application coming on this day before this court for hearing,

the court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices> This application has been filed by the applicant / defendant to set



aside the decree and judgment dated 28.02.2020 passed by the learned Master of the High Court of Madras in A.No.6614 of 2019 in C.S.No.492 of 2019.

2. After service of summons in CS.No.492 of 2019, the defendant entered appearance and filed an application in A.No.6614 of 2019 to grant leave to defend the suit and the said application was ordered by the learned Master by order dated 17.12.2019 on condition to furnish security for a sum of Rs.1.50 Crores on or before 24.01.2020 and when the matter was listed on 28.01.2020 the applicant/defendant had not furnished the security and had not complied with the order of the learned Master and at the request of the applicant / defendant, further time was granted. Even thereafter, the order was not complied with. Hence, the learned Master dismissed the application by order dated 28.02.2020. Challenging the same, the applicant/defendant has filed this application against the order of the learned Master.

3. The learned Counsel for the applicant/defendant would submit that due to some difficulties, the applicant/defendant could not comply with the order of the learned Master. Even otherwise, without furnishing the security, the defendant has right to defend the suit. Therefore, the order of the learned Master has to be set aside and the application has to be allowed.

4. Heard and perused the materials on record.

5. Admittedly, after service of summons, the applicant/defendant



has filed the application before the learned Master for leave to defend and the said application was allowed on condition to furnish security for a sum of Rs.1.50 Crores and admittedly, the order was not complied with. Even now the learned counsel for the applicant/defendant has not expressed the defendant's willingness to comply with the order of the learned Master. Therefore, there is no merit in this case and application has to be dismissed.

6. Accordingly, this application is dismissed.

Sd./-PVJ.

08/03/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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EVK 15/03/2022