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C.S.(Comm. Div.)No.50 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.11.2022

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THE HON'BLE MR.JUSTICE M.SUNDAR

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M/s.Jai Jinendra Enterprises

A partnership firm registered under the
Partnership Act, 1932, represented by its partner
Hemant Mehta, having its office at Old No.181, New No.4,
Kodambakkam High Road, Nungambakkam
Chennai-600 034.

.. Plaintiff

Vs.

Mr.Aashish Surana

residing at No.42, Rajendra Prasad Road
Nehru Nagar, Chrompet, Chennai-600 044
Also at 1st Floor, Club Aurum Building
No.92, Thirumudivakkam Main Road
Thirumudivakkam, Chennai - 600 132.

.. Defendant

This Civil Suit is preferred, under Order IV Rule 1 of Original Side Rules and Order VII Rule 1 of Code of Civil Procedure, 1908 and Section 7 read with Section 12 of the Commercial Courts, Commercial Division, Commercial Appellate Division of High Court Act, 2015, praying

(a) directing the defendant to pay the total outstanding amount of Rs.1,42,00,000/- (Rupees One Crore Forty Two Lakhs Only) to the plaintiff, wherein Rs.1,00,00,000/- (Rupees One Crore Only) is the



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outstanding principal amount and Rs.42,00,000/- (Rupees Forty Two Lakhs Only) is the interest amount calculated @ 24% per annum till 31st March, 2021 along with future interest @ 24% per annum payable on the balance outstanding principal amount of Rs.1,00,00,000/- till date of realization;

(b) directing the defendant to pay the entire costs of the suit and;

(c) pass such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice;

For Plaintiff	:	No Appearance
For Defendant	:	No Appearance

J U D G M E N T

In the captioned suit, there is a sole plaintiff and a lone defendant. Suit summons has been duly served on lone defendant on 04.04.2022. This Commercial Division is informed that lone defendant has not chosen to enter appearance through counsel. There is no other representation for lone defendant before this Commercial Division today. Name of lone defendant duly shown in the cause list. Name of lone defendant called out aloud thrice in the Court and adjoining corridors. No response.



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2. Be that as it may, the position is no different for plaintiff. In this regard, this judgment / decree has to be read in conjunction with and in continuation of earlier proceedings made in the previous listings on 19.10.2022 and 16.11.2022 which read as follows:

Proceedings dated 19.10.2022:

'No representation for both sides.

2. Re-notified.

3. List four weeks hence. List on 16.11.2022.'

Proceedings dated 16.11.2022:

'Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 19.10.2022.

2. There is no representation for both sides today also.

3. List the mater under the cause list caption 'FOR DISMISSAL' tomorrow.

List on 17.11.2022.'

3. The above proceedings make it clear that it is the third consecutive / successive listing, in which, there is no representation for both sides. To be noted, today the captioned matter is listed under the cause list caption 'FOR DISMISSAL' pursuant to earlier proceedings made in the previous listing on 16.11.2022. Notwithstanding such listing, there is no representation for plaintiff today also.



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M.SUNDAR, J.

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4. In the light of the narrative thus far, captioned suit is dismissed for default / non-prosecution. There shall be no order as to costs.

17.11.2022

Index : Yes/No
Speaking/Non-speaking order

mk

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