



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 24<sup>TH</sup> DAY OF FEBRUARY 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S. No.320 of 2014

1. Mr. Pramod Chordia,  
S/o. Mr. H.C.Chordia,  
No.306, First Main Road,  
M.K.B. Nagar, Chennai - 600 039.

2. Mr. Deepchand Jain,  
S/o. Mr. Kishan Lal Jain,  
No.19/20, General Muthiah Mudali Street,  
Sowcarpet, Chennai - 600 079.

...Plaintiffs

versus

Mr. Pravesh Nainawat,  
S/o. Mr. Kantilal Ji,  
'PRINCE PARADISE', 4th Floor,  
No.75, Jermiah Road, Vepary,  
Chennai 600 007.

...Defendant

Civil Suit praying that this Hon'ble Court be pleased to pass  
Judgment and decree against the Defendant:-

a. directing the Defendant to pay a sum of Rs.2,50,00,000/- (Rupees

Two Crore and Fifty Lakhs) only towards Principal due under the



Promissory Note dated 06.06.2012 and Rs.50,00,000/- (Rupees Fifty Lakhs) towards accrued interest upto 06.04.2013 and in total Rs.3,00,00,000/- (Rupees Three Crores only) to the plaintiffs.

b. to pay the interest at 24% per annum on the principal amount of Rs.2,50,00,000/- from this day (date of plaint) till the date of realisation of the principal amount.

c. to pay the cost of this suit.

This Civil Suit coming on this day before this court for hearing in the presence of Mr.R.Karunakaran, Advocate for the plaintiffs herein and the defendant herein having not appeared in person or by advocate and the defendant herein having been set exparte and upon reading the plaint filed herein and the memo dated 14.02.2022 filed herein and this Court doth recording the same, **it is ordered as follows:-**

That the suit in C.S.No.320 of 2014 be and is hereby dismissed as withdrawn.

2) That a certificate under section 69 of the Tamil Nadu Court fees and suits Valuation Act 1955, do issue herein, out of and under the seal of this Court in favour of (1) Pramod Chordia and (2) Deepchand Jain, the

plaintiffs herein authorising them to receive from the Pay and Accounts



Office, High Court, Madras, a sum of Rs.3,03,530/- (Rupees Three Lakhs Three Thousand Five Hundred and Thirty only) being the entire Court fee paid on the plaint by the plaintiffs herein.

3) 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 24<sup>TH</sup> DAY OF FEBRUARY 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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C.S. No.320 of 2014

ORDER

DATED : 24.02.2022

THE HON'BLE MRS.JUSTICE  
V.BHAVANI SUBBAROYAN

FOR APPROVAL : 07.04.2022

APPROVED ON : 07.04.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.02.2022

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

**C.S.No.320 (A) of 2014**

1. Pramod Chordia  
2. Deepchand Jain

..Plaintiffs

Versus

Pravesh Nainawat

..Defendant

**Prayer:-** Civil Suit is filed under Order VII, Rule 1 of CPC., Read With Order IV, Rule 1 of O.S. Rules, directing the defendant to pay a sum of Rs.2,50,00,000/- (Rupees Two Crore and Fifty Lakhs) only towards Principal due under the Promissory Note dated 06.06.2012 and Rs.50,00,000/- (Rupees Fifty Lakhs) towards accrued interest upto 06.04.2013 and in total Rs.3,00,00,000/- (Rupees Three Crores) only to the plaintiffs; to pay the interest at 24% per annum on the principal amount of Rs.2,50,00,000/- from this day (date of plaint) till the date of realization of the principal amount and to pay the cost of this suit.

For Plaintiffs : Mr.R. Karunakaran

For Defendant : Set-Exparte



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**JUDGEMENT**

Today, when the civil suit is taken up for hearing, the learned counsel for the plaintiffs have filed a Memo duly signed by themselves as also the plaintiffs, which reads as follows:-

*“It is submitted that the above case is posted for recording of evidence before the Hon'ble Additional Master – III. The defendant vacated his premises and shifted his residence somewhere in Bombay and is whereabouts not known to the plaintiffs. Hence, the plaintiffs wish to withdraw the above said case against the defendant.*

*Hence, it is prayed that this Hon'ble Court may be pleased to dismiss the above said suit “Dismissed as Withdrawn” and further the plaintiffs pray that this Hon'ble Court*



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*may be pleased to direct the Registry  
to refund the Court Fee to the  
plaintiffs”*

2. By recording the memo dated 14.02.2022, the suit is dismissed as withdrawn. No costs.

3. Registry is directed to refund the court fee paid by the plaintiffs in the civil suit in accordance with the provisions of the Tamil Nadu Court Fees and Suit Valuation Act, 1955.

Sd/-V.B.S.J.  
24.02.2022

**List of Witnesses examined on the side of the plaintiffs:-**

P.W.1: Mr.Pramod Chordia

**List of documents marked on the side of the plaintiffs:-**

| Sl. No | Exhibits | Date       | Description of Documents                                                                            |
|--------|----------|------------|-----------------------------------------------------------------------------------------------------|
| 1.     | P1       | 06.06.2012 | Original Promissory Note executed by the defendant in favour of the plaintiffs for Rs.2,50,00,000/- |
| 2.     | P2       | 28.03.2013 | Copy of the legal notice issued by the Advocate of the plaintiffs to the defendant                  |



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|    |    |                          |                                                                         |
|----|----|--------------------------|-------------------------------------------------------------------------|
| 3. | P3 | 29.03.2013               | Courier Booking receipt addressed to the defendant                      |
| 4. | P4 | 30.03.2013<br>01.04.2013 | Returned cover addressed to the defendant from the plaintiffs' Advocate |
| 5. | P5 | 29.03.2013               | FOD issued by the Courier Company                                       |
| 6. | P6 | 22.09.2014               | Acknowledgment card of the notice sent to the defendant                 |

List of Witness examined on the side of the defendant: Nil

List of document marked on the side of the defendant: Nil

Court witness and documents: Nil

Sd/-V.B.S.J.  
24.02.2022

//Certified to be true copy//

Dated at Madras this the                      day of                      2022.

COURT OFFICER(O.S.)

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