



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 01ST DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

A.No.3973 of 2021

in

C.S.DR.No.65814 of 2021

1. M/s. American university of India Private Limited,
Changed to AUI Higher Education Private Limited,
Represented by its Managing Director,
Mr.Pradeep Alexander,
714, -B, Spencer Plaza,
Phase - 2,
Anna Salai,
Chennai - 600 002.

Now at
No.28, Sivan Kovil Street,
Kodambakkam,
Chennai - 600 024.

2. The Kodai International Business,
School Foundation (KIBS FOUNDATION TRUST),
Represented by its Managing Trustee,
Mr. Pradeep Alexander,
registered office
at No.23/95, Laws ghat road,
Kodaikanal - 624 101.

3. Mr. Pradeep Alexander
S/o. Alexander,
No.28, Sivan Kovil Street,
Kodambakkam,
Chennai - 600 024.

... Applicants/Plaintiffs



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Vs.

Mr. Rahul Nath,
S/o. Late Mr. Narinder Nath,
Residents of D-31, Ansal Villas,
Sathbari, Chhatarpur,
New Delhi 110074

... Respondent/defendant

Application praying that this Hon'ble Court be pleased to Grant leave to the applicants / plaintiffs to institute the present suit under the section 92(1) of CPC before this Hon'ble Court.

This Application coming on this day before this Court for hearing, the Applicants herein not appearing in person or by advocate and upon reading the Judge's Summons and the Affidavit of Pradeep Alexander filed herein and this Court having inferred that the applicants/plaintiffs are not interested in prosecuting the application, **it is ordered as follows:-**

That the Application in A.No.3973 of 2021 be and is hereby dismissed for non prosecution.

2) That the suit in C.S.DR.No.65814 of 2021 be and is hereby

rejected at the S.R. stage itself.



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3) That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH
BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS
AFORESAID, THIS THE 01ST DAY OF FEBRUARY 2022.

Sd/-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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ARS

09.02.2022

A.No.3973 of 2021
in
C.S.DR.No.65814 of 2021

ORDER

DATED : 01.02.2022

THE HON'BLE MR.JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL : 15.02.2022

APPROVED ON : 16.02.2022



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HONOURABLE Mr.JUSTICE ABDUL QUDDHOSE

A. No.3973 of 2021
in
C.S.Dr.No.65814 of 2021

1. M/s. American University of India Private Limited,
Changed to AUI Higher Education Private Limited,
Represented by its Managing Director,
Mr.Pradeep Alexander
2. The Kodai International Business,
School Foundation (KIBS FOUNDATION TRUST),
Represented by its Managing Trustee,
Mr.Pradeep Alexander
3. Pradeep Alexander ... Applicants/Plaintiffs

Vs.

Rahul Nath ... Respondent/defendant

* * *

Prayer in A.No.3973 of 2021 in C.S.Dr.No.65814 of 2021: Application filed
under Order XIV Rule 8 of O.S.Rules to institute the present suit under
Section 92(1) of C.P.C before this Court.



Prayer in C.S.D.No.65814 of 2021: Plaintiff filed under Order VII Rule 1 of C.P.C.1908 and Section 92 of C.P.C read with Order IV Rule 1 of O.S.

Rules praying for a judgment and decree in favour of the plaintiffs:

a) Declaring that the defendant herein is the one of the Trustees of the Kodai International Business School Foundation Trust (KIBS FOUNDATION) in the 2nd plaintiff herein as per the Resolution dated 04.09.2012 passed by the Trustees with effect from 04.09.2012.

b) Costs of the suit.

* * *

For Applicants/Plaintiffs : No Appearance

ORDER

A.No.3973 of 2021 is filed seeking leave to the applicants/plaintiffs to institute the present suit under Section 92(1) of C.P.C.

2. The matter is listed under the caption “for dismissal”, today. On the earlier hearing date, i.e. on 06.01.2022, this Court recorded the submissions of the learned counsel on record for the petitioner that he has



given change of vakalat to the petitioner. Till date, no new counsel has entered appearance in place of the erstwhile counsel on record, Mr.K.Krishnan. Even after the lapse of almost a month from the date of the last hearing, the applicants/plaintiffs have not engaged any new counsel nor appeared through an authorised representative in today's hearing. Therefore, it can now be inferred that the applicants/plaintiffs are not interested in prosecuting the application. Accordingly, A.No.3973 of 2021 is dismissed for non prosecution. Consequently, the Civil Suit is rejected at the S.R. stage itself. No costs.

Sd./-A.Q.J.

01.02.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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