



WEB COPY



C.S.No.826 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY.J.,

C.S.No.826 of 2018

and

O.A.No.1128 of 2018 & A.No.1211 of 2022

R.B.Vinoth

... Plaintiff

Vs.

1.B.Jayaraj

2.M/s. Global Arkitekts Private Limited,
Rep. by its Authorised Signatory,
Mr.K.Badri Narayan Choudry,
No.33, IVth Floor, Rutland Tower,
Shafee Mohammed Road,
Greens Road Post,
Nungambakkam, Chennai – 600 006.

... Defendants

Prayer : Complaint filed under Order IV Rule 1 of the Original Side Rules r/w Order VII Rule 1 C.P.C., praying for a direction to the first defendant to specifically perform his part of the contract dated 30.03.2017 by executing sale deed/s in favour of the plaintiff after receiving the balance sale consideration of Rs.80,41,900/- as agreed under the sale agreement dated 30.03.2017 or in the alternative, to direct the first defendant to repay the amount of Rs.2,19,58,100/- paid by the plaintiff together with interest at the rate of 18% from the date of the complaint till the date of realization.



WEB COPY



C.S.No.826 of 2018

For Plaintiff : M/s. R.Revathy (No appearance)
For Defendants : Mr.R.Jayaprakash [D1]
No appearance for D2

JUDGMENT

When the matter came up for hearing on 15.06.2022, there was no representation on behalf of the plaintiff and the matter was posted to 20.06.2022 under the caption 'for dismissal'. On 20.06.2022 also, there was no representation on behalf of the plaintiff and as such, the matter was directed to be posted on 28.06.2022 under the same caption 'for dismissal'. Even today, there is no representation on behalf of the plaintiff. Thus, it shows that the plaintiff is not interested to prosecute the case any further. None appears on behalf of the second defendant also.

2. The learned counsel appearing for the first defendant submits that the first defendant filed an application in A.No.1211 of 2022, to conduct an enquiry under Section 340 of CPC r/w. Section 195(1)(b) CPC and take necessary legal action against the plaintiff herein, for committing an offence punishable under Section 193 of IPC. The said application was



C.S.No.826 of 2018

served on both the plaintiff and the second defendant. After receipt of the application, the plaintiff failed to appear before this Court.

3. Hence, the Civil Suit is dismissed for non-prosecution. No costs. Consequently, connected applications are closed.

28.06.2022

Sni

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.



WEB COPY



C.S.No.826 of 2018

KRISHNAN RAMASAMY.J.,

Sni

C.S.No.826 of 2018

28.06.2022