



WEB COPY



C.S. No.882 of 1998

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. No.882 of 1998

and

A. No.847 of 2011

M/s.NEPC India Ltd.

(Formerly known as NEPC Micon Limited)

Rep. By its Vice Chairman,

Mr.Rajkumar Khemka

....

Plaintiff

VS

M/s.Sree Ganesh Bears Pvt. Ltd.

Rep. by its

Managing Director,

Mr.M.S. Velu,

A Private Ltd. Company

carrying on business at its Regd. Office,

at Plot No.106, Balagola Industrial Area,

K.R.S. Road,

Matagalli,

Mysore – 570 016.

...

Defendant

Prayer : PLAINT FILED UNDER ORDER IV Rule 1 OF THE ORIGINAL SIDE RULES READ WITH ORDER VII RULE 1 OF THE CIVIL PROCEDURE CODE to pass a judgement and decree against the defendant :

(i) directing the defendant to pay to the plaintiff a sum of Rs.1,22,29,131/- together with interest at 36% per annum on Rs.64,69,971/- from this date till date of payment.

(ii) directing the defendant to pay to the plaintiff the cost of the above suit.

(iii) granting such further or other reliefs as this Court may deem fit and proper in the circumstances of the case.



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C.S. No.882 of 1998

For Plaintiff	: No appearance
For Defendant	: Mr.Krishnappan Senior counsel for Ms.R.Swarnalatha

Ms.Ambili – No appearance
Dy. Official Liquidator

JUDGEMENT

As directed by this Court, the learned counsel for the defendant has addressed a registered letter to the plaintiff, dated 03.11.2023 informing the plaintiff about today's hearing date. The notice sent by the learned counsel for the defendant has been returned with an endorsement “left”. On the last hearing date i.e. on 02.11.2023, it was recorded that the Official Liquidator for the plaintiff has been discharged by virtue of a judgment passed by the Division Bench of this Court in O.S.A. No.345 of 2011, dated 01.03.2018. The said judgment was also placed on record before this Court by the learned counsel for the defendant on the last hearing date, i.e., on 01.03.2018. This Court after giving due consideration to the same had directed the learned counsel for the defendant to inform the plaintiff since the winding up order passed against the plaintiff has been vacated. Accordingly, the same has been



C.S. No.882 of 1998

informed as seen from the returned cover, which is enclosed along with the Affidavit of Service filed by the learned counsel for the defendant.

There is no representation on the side of the plaintiff once again. The suit is of the year 1998. It can now be inferred that the plaintiff is not interested in prosecuting this suit. Accordingly, the suit is dismissed for non prosecution. Consequently, connected application is closed.

17.11.2023

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
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C.S. No.882 of 1998

ABDUL QUDDHOSE, J.

vsi2

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17.11.2023