



CS.No.123 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 21-08-2023

CORAM

HONOURABLE MR JUSTICE A.A.NAKKIRAN

C.S. No.123 of 2006

M/s.Agis Aweca India Private Limited,
127/1 McNichols Road, Chetpet,
Chennai-600 031
Rep by its Director,
Mr.Shibu John

...Plaintiff

VS

1. M/s.Mittapalli Audinarayana & Co.,
P.B.No.315, G.T.Road,
Guntur-522004, Andhra Pradesh,
Rep by its Managing Partner & Chief Executive
Mr.Mittapalli Rama Rao
2. Mittapalli Rama Rao(deceased)
3. Tasepalli Sambasiva Rao
4. Mittapalli Panduranga Rao
5. Mottapalli Prabhakar Rao (deceased)
6. Mittapalli Nageswara Rao



CS.No.123 of 2006

WEB COPY

7. Mittapalli Uma Maheswara Rao

8. Tadepalli Rajendra Prasad

9. Tadepalli Veeranjeneya Kumar

10. Mittapalli Siva Kumar

11. Mittapalli Ramesh Babu

12. Mittapalli Sarathbabu

13. Mittapalli Chandra Mohan

(defendants 7, 10 & 12 already on record and recorded as legal heirs of deceased 2nd defendant as per order dt 27.02.2023 on memo dt 21.02.2023 and further order dt 05.06.2023 ad 14.06.2023 in CS.No.123/2006)

(13th defendant is the legal heir of the deceased 5th defendant as per order dated 20.06.2018 in A.No.4434/2018)

14. Tadepalli Rojakumari

15. Tadepalli Ramakrishnan

16. Mittapalli Jagadeesh

(16th defendant is brought on record as LR of the deceased 5th defendant as per order dt 30.07.2018 in A.No.4435 & 4436/2018

(defendants 13 & 18 already on record and recorded as legal heirs of deceased 5th defendant as per order dt 27.02.2023 on memo dated 21.02.2023 and further order dt 05.06.2023 and 14.06.2023 in the above suit.)
..Defendants



CS.No.123 of 2006

Prayer: Civil Suit filed under Order IV Rule 1 of O.S. Rules read with Order VII Rule 1 of the Civil Procedure Code prays for

a) a Judgment and Decree against the defendants jointly and severally, directing the defendants to pay the plaintiff, container detention and other charges of USD 881409.33 or the equivalent Indian Rupees being Rs.4,05,44,829/- together with interest at 18% p.a from the date of suit till date of realization and

b) cost of the suit.

For Plaintiff : Mr. N. Surya Senthil
For M/s.Surana and Surana

For Defendants : Mr.K.Bijai Sndar for D1 to D15
No appearance for D16

J U D G M E N T

When the matter is taken up for hearing today, it is represented by the learned counsel for the plaintiff that the plaintiff's Company is struck off from the Register of Companies u/s.248 (1) of the Companies Act, 2013. He seeks to permit the plaintiff to abate the present suit with the liberty to initiate fresh proceedings in case the plaintiff's company becomes active. He has also filed a memo to that effect.

A.A.NAKKIRAN,J.



WEB COPY



CS.No.123 of 2006

gv

2. Recording the aforesaid submission made by the learned counsel for the plaintiff, this Civil Suit is dismissed as abated with liberty to initiate fresh proceedings in case the plaintiff's company becomes active. No costs.

21.08.2023

Index : Yes/No
Internet: Yes/no
Speaking/Non-speaking Order
gv

C.S. No.123 of 2006