



C.S.No.725 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.S(Suits).No.725 of 2004

Mr.Jaswant Chand

...Plaintiff

Vs.

1. M/s. Evergreen Movie International,
Rep. by its Proprietor,
Mr.V.A.Durai,
Old No.2, New No.18, 19th Street,
Ashok Nagar, Chennai – 600 083.

2. M/s. Gemini Colour Laboratory,
No.2, Vembuliamman Koil Street,
Virugambakkam, Chennai – 600 092.

... Defendants

PRAYER: This Civil Suit is filed under Order IV Rule 1 of O.S. Rules, 1956 read with under Order VII Rule 1 of Civil Procedure Code, 1908 and; praying to pass the judgment and decree:-



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a. directing the first defendant to pay a sum of Rs.2,50,00,000/- towards principal and a sum of Rs.30,89,200/- towards interest in all totalling to a sum of Rs.2,80,89,200/- together with interest @ 36% p.a. on Rs.2,50,00,000/- from the date of the plaint till the date of realization.

b. for a permanent injunction restraining the first defendant its men, agents, servants or everyone claiming under the plaintiff and acting on his behalf from in any way taking delivery of any negatives, release prints or any other prints or publicity materials of the Tamil Colour Film titled as “Gajendra” from the second defendant laboratory without discharging the entire loan amount together with interest due and payable to the plaintiff for which a decree is sought for in Clause No. “a” supra in contravention to the letter of guarantee given by the second defendant dated 03.02.2004;

c. directing the defendants to pay the costs of the suit

d. also grant such further or other relief or reliefs as this Court may deem fit and necessary in the circumstances of the case.

For Plaintiff : Mr.M.Sathya
for M/s.Waraon & Sai Rams

For Defendant 2 : Mr.A.V.K.Ezhilmani

JUDGMENT

When the matter was taken up for hearing before this Court on 30.03.2023, the learned counsel for the plaintiff reported “No Instructions”



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from his client and the same was recorded. In order to give an opportunity to the plaintiff, the Registry was directed to print the name of the plaintiff and list the matter today (03.04.2023) under the caption “for dismissal”.

2. Today (03.04.2023), the matter is listed under the caption “for dismissal”, the learned counsel appearing for the plaintiff submitted that he has no instructions from his client and the plaintiff is not interested in pursuing the matter. He has also made an endorsement to that effect. Hence, the suit is dismissed for default. No costs.

03.04.2023

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Index:Yes/No

Speaking Order: Yes/No



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S.SOUNTHAR, J.

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