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C.S.No.960 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2023

Coram

The Honourable Mr.Justice C.SARAVANAN

C.S.No.960 of 2015

1.Mahesh B.Gor
2.S.Kamakotti

...Plaintiffs

Versus

Fairdeal Supplies Limited,
No.4, B.B.D.Bag (East),
5, Stephan House, 1st Floor,
Kolkata,
Rep. by its Managing Director

...Defendant

This suit is filed under Order IV Rule 1 of the O.S.Rules and Order VII Rule 1 of C.P.C for the following reliefs:

(a) For a sum of Rs.13,15,02.640/- (Rupees Three Crores Fifteen Lakhs Two Thousand Six Hundred and Forty only) together with interest at 24% (per cent) per annum on the principal sum of Rs.2,28,28,000/- (Rupees Two Crores Twenty Eight Lakhs and Twenty Eight Thousands only) from this date till date of realization in full and

(b) For costs of the suit including counsel's fee.

For Plaintiffs : Mr.Sivalinga Kesavan

For Defendant : Mr.G.Derrick Sam
for Ms.K.Vasuki



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JUDGMENT

The present suit has been filed for the reliefs morefully described in the prayer portion of this judgment.

2. As far as this case is concerned, this Court vide order dated 09.12.2022, directed the plaintiffs to pay a sum of Rs.60,000/- (Rupees Sixty Thousand only) to D.W.1 on or before 02.01.2023. Thereafter, when the matter was called on two occasions viz., 02.01.2023 & 12.01.2023, the learned counsel for plaintiffs sought for extension of time for paying the said amount to D.W.1. Hence, at the request of the learned counsel for plaintiffs, this Court granted time till 20.01.2023 to the plaintiffs for paying the said amount to D.W.1.

3. Despite the above, the plaintiffs have not yet complied the aforesaid order dated 09.12.2022 passed by this Court, directing them to pay the cost for the expenses that borne by D.W.1. Already, the D.W.1 has spent money for appearing before this Court on two occasions.



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4. Considering the fact that the plaintiffs are not showing any interest in prosecuting the case further, this Civil Suit is dismissed for non-compliance of the order dated 09.12.2022 passed by this Court. No costs.

25.01.2023

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Index : Yes/No

Speaking Order (or) Non-Speaking Order

C.SARAVANAN, J.



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