



C.S.No.91 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.S(Comm. Div.)No.91 of 2022

M/s.Sri Adinath Enterprises
A Partnership firm registered under the
Partnership Act, 1932, represented by its
Partner, Hemant Mehta, having it is office at
Old No.181, New No.4,
Kodambakkam High Road,
Nungambakkam,
Chennai – 600 034.

...Plaintiff

Vs.

Mr.Aashish Surana
Residing at No.42, Rajendra Prasad Road,
Nehru Nagar, Chrompet, Chennai – 600 044.
Also at 1st Floor, Club Aurum Building,
No.92, Thirumudivakkam Main Road,
Thirumudivakkam, Chennai – 600 132.

... Defendant

PRAYER: This Civil Suit is filed under Order IV Rule 1 of Original Side Rules and Order VII Rule 1 of Code of Civil Procedure, 1908 and Section 7 read with Section 12 of the Commercial Courts, Commercial Division,



C.S.No.91 of 2022

Commercial Appellate Division of High Court Act, 2015; praying to pass the judgment and decree:-

a) directing the Defendant to immediately pay the total outstanding amount of Rs.1,44,00,000/- (Rupees One Crore Forty Four Lakhs Only) to the Plaintiff, wherein Rs.1,00,00,000/- (Rupees One Crore Only) is the Outstanding Principal Amount and Rs.44,00,00/- (Rupees Forty Four Lakhs Only) is the Interest Amount calculated @ 24% Per annum till 31st March, 2021 along with future interest @ 24% per annum payable on the balance outstanding principal amount of Rs.1,00,00,000/- from the date of Plaint till date of realization;

b) directing the Defendant to pay the entire costs of the Suit

For Plaintiff : No appearance

JUDGMENT

It is seen from the record, when the matter was posted before the Master on 2.02.2023, the learned counsel for the applicant represented before the Master that the matter was settled out of Court and hence, he did not want to complete the service on the defendant. Therefore, the process to defendant was closed by the learned Master on 02.02.2023.



C.S.No.91 of 2022

WEB COPY

2. When the matter was taken up for hearing before this Court on 23.03.2023, there was no representation for the plaintiff. Hence, in order to give an opportunity to the plaintiff, the Registry was directed to list the matter today (27.03.2023) under the caption for “dismissal”. Even today, there is no representation for the plaintiff. Hence, the suit is dismissed for default. No costs.

27.03.2023

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Index: Yes/No

Speaking Order: Yes/No



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C.S.No.91 of 2022

S.SOUNTHAR, J.

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C.S(Comm. Div.)No.91 of 2022

27.03.2023