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C.S.No.3 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.10.2023

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.S. (Comm.Div.) No.3 of 2022 and
O.A. No.209 of 2022

1.B.K.Divya

2.K.S.Mahadesh

.. Plaintiffs

/versus/

1.M/s.Meera Financial Consultancy Services,
represented by its Proprietrix
Swathi Meera V.

2.Swathi Meera V.

3.Gurukaleeswaran Balasubramani

.. Defendants

Prayer: Civil Suit has been filed under Order XXXVII, Rule 1 of the Code of Civil Procedure and Order VII Rule 1 of the Original Side Rules, 1994 read with the Commercial Courts, Commercial Division and Commercial Appellate Division of the High Courts Act, 2015 to direct the defendants to jointly and severally pay a sum of Rs.2,02,71,568/- (Rupees Two crore Two lakh Seventy One Thousand Five hundred and Sixty Eight only) together with interest at 18% per annum from the date of plaint till the date of realisation and to pay the costs of this suit.



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For Plaintiffs : Mr. Gopika Nambiar
for Mr. Govind Chandrasekhar

For Defendants : Mr. P. Jesusmoris Ravi

J U D G M E N T

This suit has been filed seeking for recovery of money. It is a summary suit.

2.A leave to defend application was filed by the defendants in A.No.2416 of 2022. A counter was also filed by the plaintiffs in the said application. By final order dated 04.01.2023, the leave to defend application, i.e. A.No.2416 of 2022 was dismissed by this Court, based on its finding that the applicants/defendants have not denied that the respondents/plaintiffs had lent money from them and this Court had also observed that barring a bald denial in the affidavit filed in support of the application for leave to defend the suit, there was no other material available for the Court to come to a conclusion that the applicants/defendants had made out a case for grant of leave.



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3. Admittedly, the order dated 04.01.2023 passed by this Court in A.No.2416 of 2022 has attained finality as the defendants have not challenged the said order till date. It is also fairly admitted by the learned counsel for the defendants, who has appeared through Video Conferencing, that the said order has not been challenged.

4. Under normal circumstances, the consequential order of passing a decree in favour of the plaintiffs ought to have been passed in the suit consequential to the dismissal of the leave to defend application. However, it is informed by both the counsels that the matter was referred to Mediation, but the mediation failed.

5. Learned counsel for the plaintiffs now seeks for passing of a decree as prayed for in the plaint consequent to the dismissal of the leave to defend application by this Court in its order dated 04.01.2023 passed in A.No.2416 of 2022. Since the leave to defend application has been dismissed as early as on 04.01.2023 itself, decree as prayed for by the plaintiffs in the suit in C.S. No.3 of 2022 has to be passed.



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Accordingly, the suit is decreed in favour of the plaintiffs as prayed for in C.S. No.3 of 2022. Consequently, O.A. No.209 of 2022 is closed. No costs.

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List of Witness examined on the side of the Plaintiff:-

Mrs.B.K.Divya (PW1)

List of the Exhibits marked on the side of the Plaintiff:-

<u>Sl. Nos.</u>	<u>Exhibits</u>	<u>Description of documents</u>
1.	Ex.P.1	Original deposit corporate bond agreement bearing agreement No.821 of 2021 dated 22.04.2001 executed between the first defendant and the first plaintiff
2.	Ex.P2	Original deposit corporate bond agreement bearing agreement No.703 of 2021 dated 28.04.2021 executed between the first defendant and the first plaintiff
3.	Ex.P3	Original deposit corporate bond agreement bearing agreement No.702 of 2021 dated 03.06.2021 executed between the first defendant and the first plaintiff
4.	Ex.P.4	(series 4 Nos.) original cheques bearing Nos.245434, 245433, 000184 and 000186 issued by the first defendant as security
5.	Ex.P.5	Original cheque bearing No.000185 issued by the second defendant
6.	Ex.P.6	Original return memo dated 13.07.2021
7.	Ex.P.7	Original legal notice dated 23.11.2021 sent by the plaintiffs to the defendants along with postal tracking report
8.	Ex.P.8	original HDFC Bank statement in respect of the first plaintiff
9.	Ex.P.9	Original HDFC Bank statement in respect of the second plaintiff



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