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C.S.No.787 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

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THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

C.S.No.787 of 2017

M/s. Emjay Steel Udyog Private Ltd.,
Represented by its Director,
Ajith Oommn Abraham,
No.18/26, Loganathan Nagar,
2nd Street, 100 feet Road,
Choolaimedu, Chennai – 600 094.

...Plaintiff

.Vs.

The Deputy General Manager,
State Bank of India,
Industrial Finance Branch,
Anna Salai, Chennai.
Defendant

...

Prayer:

Plaint filed under Order VII Rule 1 of the CPC, 1908 read with
Order IV Rule 1 of the Original Side, 1957 praying for a judgment and
decree as follows:-

a) Directing the defendants to pay a sum of Rs.1,13,93,398.33/-
together with interest at the rate of 13.05% from the date of the suit till

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the date of realization the same amount towards the wrongful payment made by the defendant Bank and interest thereon.

b) Directing the Defendants to pay a sum of Rs.2,50,00,000/- towards compensation and damages for loss of business opportunity due to the unilateral closure of the L.C. Limits;

c) Declaring that the various entries in the statement of account from January 2015 till August 2017 with regard to higher rate of interest in OCC accounts and also the entry with regard to debiting term loan interest on 10.03.2017, debiting processing charges on 22.03.2017 and other charges on 20.04.2017 as null and void and without any authority.

d) For a mandatory injunction directing the defendant to return the title deeds in respect of the schedule property and hand over the same to M/s.South India Bank Ltd., Triplicane Branch being the other consortium partner.

e) To pay the cost of the suit and

f) To pass such other orders:

For Plaintiff	: No Appearance
For Defendant	: Mr. K. Balamurali
	(For M/s.Shivakumar Suresh)



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JUDGMENT

On the earlier occasion, ie.18.12.2023, the learned counsel for the plaintiff submitted that he has no instruction from the plaintiff even after sending various mode of communication and requested to remove her name from the cause list. According to her request, the matter was directed to be posted on 19.12.2023 after removing the name of the plaintiff's counsel and printing the name of the plaintiff in the cause list. Even today, ie. 19.12.2023, there is no representation for the plaintiff either in person or through counsel even though the plaintiff's name has been printed in the cause list. On a perusal of the records, it has been reported that the notice has been served to the plaintiff on 01.12.2023. Therefore, the Suit is dismissed for non prosecution. Consequently, connected Miscellaneous Petition is also closed if any. No costs.

19.12.2023

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Index : No
Internet : Yes
Speaking order



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