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C.S.No.677 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.S.No.677 of 2009

1.M/s.GPR Logistics
2.Mrs.P.Ranjini
3.Mrs.D.Kalpana
Represented by their Power of Attorney
Mr.G.Purushotham
All having Office at
No.D-59/1, 3rd Street,
Anna Nagar East, Chennai – 600 102.

... Plaintiffs

Vs.

Mr.A.Suresh Anand,
Proprietor,
M/s.Undwe Conscorp.
No.3, Thai Nagar,
Kodungaiyur, Chennai – 600 116.

... Defendant

Prayer: This Civil Suit is filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of the Code of Civil Procedure, 1908, prayed for a Judgment and Decree:-

(i) To direct the defendant to pay a sum of Rs.1,08,97,997/- claimed by the plaintiffs in the following manner:



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- (a) Rs.48,19,841/- being the excess amount paid by the plaintiffs to the defendant, which is refundable by the defendant;
- (b) Rs.10,78,156/- being the additional cost incurred by the plaintiffs for completing the work;
- (c) Rs.50,00,000/- being the rental loss suffered by the plaintiffs from the month of July 2008;

(ii) To direct the defendant to pay interest on the amount due from the month of July 2008 till the date of plaint and thereafter till the date of recovery of the amount due at the rate of 12% per annum on the amount due.

(iii) To pay the cost of the suit.

For Plaintiffs : Mr.Naresh Vasudev
for Mr.K.G.Vasudevan

For Defendant : Mr.L.Rajasekar

JUDGMENT

The learned counsel for the plaintiffs submits that first plaintiff is a Partnership Firm represented by its Partners, the second and third plaintiffs. The second and third plaintiffs are represented by their Power of Attorney Mr.G.Purushotham, who is husband of the second plaintiff.



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2. The learned counsel for the plaintiffs would further submit that the second plaintiff is no more and the husband is the only surviving partner, who is aged about 92 years and is suffering from memory loss.

3. The learned counsel for the plaintiffs therefore submits that he is unable to get any instructions from the plaintiffs.

4. Recording the same, this Civil Suit is dismissed for non-prosecution. No costs.

24.06.2024

Internet : Yes/No

Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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P.B.BALAJI, J.



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