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C.S. No.225 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2024

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. No.225 of 2011

and

A. No.6850 of 2023

M/s.Leo Duct Engineers &
Consultants Ltd., * (under Liquidation)
Unit No.603, 604 & 605,
6th Floor,
Shalimar Morya Park,
Andheri (W),
Mumbai – 400 053.
* Rep. by its Liquidator
Mr.Pramod Dattaram Rasam ... Plaintiff

Vs

*M/s.Vodafone Idea Ltd.
(Successor in interest of Vodafone Essar
South Ltd.)
TVH Beliciaa Tower 1,
Block 94,
MRC Nagar,
Chennai – 600 028. ... Defendant

* Amended as per order, dated 27.02.2017 in
A. No.1246 of 2017

Prayer : PLAINT UNDER ORDER IV RULE 1 OF O.S. RULES
READ WITH ORDER VII RULE 1 OF C.P.C., prays for judgment and
decree, directing the defendant to pay a sum of Rs.1,06,15,660/- (Rupees



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One Crore Six Lakhs Fifteen Thousand Six Hundred and Sixty Only) upto date of suit with future interest @ 12% per annum on principal amount of Rs.78,13,300/- from the date of suit until payment with costs.

For Plaintiff : Mr. T.D. Selvin Babu
For Defendant : Mr. Rahul Balaji

JUDGMENT

The learned counsel for the plaintiff is present. He would submit that he is unable to get instructions in this matter. It was earlier informed by the very same counsel appearing for the Liquidator appointed for the plaintiff Company that the plaintiff Company is under Liquidation and the debt has been assigned in favour of Canara Bank. Recording the said representation, time was granted by this Court to enable the counsel for the Liquidator to get instructions. Sufficient time has already been granted by this Court. As seen from the earlier proceedings, the matter is listed under the caption “for dismissal”, today, only for the said reason and since, the learned counsel for the plaintiff was not present on the last hearing date. Canara Bank has also not taken steps, till date in this proceedings to prosecute the claim. It can now be inferred that the plaintiff is not interested in prosecuting the suit. Accordingly, this suit is dismissed for non prosecution. No costs. Consequently, connected



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application is also closed.

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Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

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ABDUL QUDDHOSE, J.



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