



A.No.1069 of 2024 in C.S(COMM DIV). No.45 of 2024

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P.VELMURUGAN. J.

This application is filed by the applicants/plaintiffs to grant leave to file a suit for damages or compensation against the defendant under the same cause of action later after it is ascertained, under Order II Rule 2 CPC.

2. The learned counsel for the applicants/plaintiffs submitted that in case the petitioner is entitled for the compensation, he can file fresh suit for rendition of accounts regarding damages. Therefore, he has filed the present application.

3. The learned counsel for the respondent/defendant submitted that the suit itself is filed for compensation and therefore, there is no question of leave to sue arises. When the applicants/plaintiffs themselves filed the suit for compensation for specific amount, the present application is unnecessary.

4. Heard both sides and perused the records.

5. This application is filed by the plaintiffs to grant leave to file a suit for damages or compensation against the defendant. The applicants/plaintiffs themselves have filed the present suit for



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compensation and also damages. Even otherwise, the plaintiffs are entitled for the past mean profit and instead of seeking past mean profit, they have filed the present application, which is unwarranted. Therefore there is no leave is necessary.

6. Accordingly, this application is dismissed. However, the applicants/plaintiffs are at liberty to establish all their claims in the present suit itself.

8. Though the suit summon was served on 01.03.2004, the defendant has not filed the written statement within 30 days. Therefore, the defendant is directed to file written statement.

9. The plaintiffs are directed to file proof affidavit or before 25.04.2024.

10. List the matter on 26.04.2024.

05.04.2024

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