



C.S.No.489 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.S.No.489 of 2013

M/s.Raj Petro Specialities Pvt. Ltd.,
Rep. By its Chairman & Managing Director
Mr.B.J.Nanavati,
No.2A-D, Doshi Towers,
Kilpauk, Chennai – 10.

.. Plaintiff

/versus/

1.M/s.Victory Electricals Ltd.,
No.860/64-B, Thiruvottiyur,
Chennai – 19.

2.M/s.Victoruy Electrical Ltd.,
Plot No.8, Ranga Reddy,
Medchal District, AP – 501 401.

3.M/s.Victory Transformers & Switchgears Ltd.,
Plot No.8, Ranga Reddy,
Medchal District, AP – 501 401.

4.M/s.Victory Transformers & Switchgears Ltd.,
D-52, Phase IV (Extn.),
IDA Jeedimetla,
Hyderabad – 500 055.

.. Defendants



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Prayer: Civil Suit has been filed under Order VII, Rule 1 of the Code of Civil Procedure, 1908 and Order IV Rule 1 of the Original Side Rules, praying;

(a) to pay to the plaintiff a sum of Rs.96,87,288/- with further interest at 21.5% per annum on the principal amount of Rs.87,77,325/- from the date of the plaint till the date of payment;

(b) to issue to the plaintiff the pending 'C' forms for sales tax concession amounting to Rs.19,37,557/- or to pay the amount due thereon to the plaintiff; and

c)for costs of the suit.

For Plaintiff : Ms.V.S.Sowmya

For Defendants : No Appearance

J U D G M E N T

Today, the matter is listed under the caption “for dismissal”. On the last hearing date, i.e., on 05.02.2024, it was recorded by this Court that the learned counsel for the plaintiff has been repeatedly seeking adjournments in this matter. Admittedly, all the defendants have gone into liquidation. Earlier, it was informed that the plaintiff had filed an application before the National Company Law Tribunal (NCLT) in M.A.No.52 of 2020, which was dismissed for default. It was also represented that the plaintiff has taken steps to file an application to



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restore M.A.No.52 of 2020 on the file of the NCLT. On 09.01.2024, the learned counsel for the plaintiff sought for an adjournment on the ground that a liquidator has been appointed for the defendant companies by the NCLT and therefore, steps will have to be taken by the plaintiff. Once again, on 09.01.2024, at the request of the learned counsel for the plaintiff, the matter was adjourned by this Court to 19.02.2024. However, even today, the learned counsel for the plaintiff is making the same representation as was made earlier.

2. Till date, no steps have been taken by the plaintiff to restore M.A.No.52 of 2020 on the file of the NCLT. Since the defendants have gone into liquidation and the liquidator has also been appointed by the NCLT, if at all the plaintiff is having any grievance, the plaintiff will have to approach the NCLT. The suit is of the year 2013. 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.

19.02.2024

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ABDUL QUDDHOSE, J.

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