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C.S.No.235 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S.No.235 of 2019

M/s.Mangalam Export Corporation,
Rep. by its Partner, M.Swaminathan,
No.61, Bakthapuri Street,
Kumbakonam, Thanjavur District.

... Plaintiff

Vs.

1.M/s.Connexions Retail Stores Pvt. Ltd.,
No.120, Natesan Nagar, 3rd Main Road,
Virugambakkam, Chennai - 600 092.
Rep. by its Director.

2. Mr.V.Swaminathan, Director,
M/s.Connexions Retail Stores Pvt. Ltd.,
No.120, Natesan Nagar, 3rd Main Road,
Virugambakkam, Chennai - 600 092.

3. Mr.Madhu Desikan,
Regn. No.IBBI/IPA-001/IP-P00579/2017-18/11021,
No.114, Balasubramaniam Street,
Mylapore, Chennai - 600 004.
E.Mail - desikan.madhu@gmail.com
(3rd defendant impleaded
as per order dated 06.09.2021
in A.No.2631 of 2021 and
order dated 29.09.2021)

... Defendants



PRAYER: Plaintiff filed under Order VII Rule 1 of C.P.C. read with Section 7 of the Commercial Courts Act read with Order IV Rule 1 of Original Side Rules to direct the defendants to pay the plaintiff a sum of Rs.1,28,64,602.00 together with interest @ 18% per annum from the date of the plaint till full payment and to pay the plaintiff the cost of the suit.

For Plaintiff : Ms.Al. Ganthi Mathi

JUDGMENT

It is brought to the notice of this Court by both the learned counsel for the plaintiff as well as the learned counsel representing the liquidator for M/s. Connexions Retail Stores Private Limited that by order dated 30.12.2019, passed by the National Company Law Tribunal (NCLT), Chennai, M/s. Connection Retail Stores Private Limited has gone under liquidation and a liquidator viz., the third defendant has been appointed. Since a liquidator has been appointed for M/s. Connexions Retail Stores Private Limited, against whom a suit has been filed by the plaintiff, nothing survives for further adjudication in this suit and the suit has now become infructuous. If at all the plaintiff seeks for recovery of money as claimed in the suit, their only remedy is to proceed against the funds belonging to the



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Company under liquidation viz., M/s. Connexions Retail Stores Private Limited by filing appropriate application before the NCLT, Chennai.

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2. The learned counsel for the plaintiff has also not raised any serious objection for the above observations made by this Court. After recording the rival submissions and in view of the fact that M/s. Connexions Retail Stores Private Limited has now gone under liquidation, this Suit is dismissed as infructuous. No Costs.

01.02.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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ABDUL QUDDHOSE. J.,

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