



Civil Suit (Comm.Div.) No.102 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.04.2024

CORAM

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

Civil Suit (Com.Div.) No.102 of 2022

S.Sivagurnathan

.. Plaintiff

Vs.

1.Aarti Razee

2.R.Mennan

3.Sandeep Mehta

4.Narendra Srisrimal

5.Namita Srisrimal

6.Asmitha Srisrimal

7.Esha Srisrimal

8.Kamal Devi

9.M.Ravi

10.M.Kannan

11.N.R.Dhanapalan

12.Violet Dhanapalan

.. Defendants



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Prayer:-

Civil Suit has been filed under Order IV, Rule 1 of O.S. Rules, read with Order VII Rule I of the Code of Civil Procedure read with Sections 2(1)(C)(xv) of Commercial Court Act, 2015, prays

a) Declaration in declaring that the first defendant being the registered partner of the partnership and defendants 2 to 4 and the said Surendra Srisrimal being the unregistered partners of the partnership "Asvini Foundation" are guilty of their conducts, which actually affected pre-judiciously the carrying on the business of the partnership and hence the partnership is liable to be dissolved.

b) For a declaration to seek for rendition of true and proper accounts of the partnership "Asvini Foundation" to be crystallized and thereafter to sell the properties and the goodwill held by the partnership firm be sold by public auction or likewise and thereafter recover the excessive amounts or loans received if any by the plaintiff, the defendants 1 to 4 and late Surendra Srisrimal in their capacity as partners of the partnership or in any other capacity from the partnership, recover the same from each of the plaintiff, the defendants 1 to 4 and defendants 5 to 8 the respective proportion of the excessive amounts received by plaintiff,



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defendants 1 to 4 and Surendrasrisrimal and thereby defray the monies so obtained to clear the debts if so found and pay in the ratio at the rate of 50% to the plaintiff and 50% jointly to the defendants 1 to 8 and or as per the ratio fixed by this Court.

c) Declaring that the defendants 1 to 4 and Mr.Surendra Srisrimal, by their mischief and misdeed caused damages to the plaintiff and

d) consequently directing the defendants 1 to 8 to jointly and severally pay the value of damages of not less than Rs.2,00,00,000/- as the amount of compensation to the plaintiff.

e) To pay the cost of the suit.

For Plaintiff : Mr.R.Balachanderan

For Defendants : M/s.T.M.Naidu & Co., for D1
Mr.A.R.Palanisamy for D2
Mr.A.Sikkandar for D3
Mr.S.K.Rahulvivek for D9
Mr.K.Annamalai for D10
No appearance for D4 to D8
Mr.C.Ravichandran for D11 and D12



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J U D G M E N T

This Court on 15.03.2024 has passed the following order :

"The learned Additional Master I has placed the matter before this Court, since the earlier Case Management Schedule fixed by this Court has not been adhered to by the plaintiff. As seen from the proceedings of the learned Additional Master I, the learned counsel for the plaintiff was seeking adjournments on the ground that the plaintiff will be filing an application seeking for reception of additional documents. Till date, the said application is not available before this Court. The learned counsel for the plaintiff once again seeks time to file such an application. If the said application is not numbered and listed before this Court on the next hearing date, the plaintiff will have to pay the cost to the defendant for seeking further adjournment.

Post the matter on 02.04.2024."



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2. Since the aforesaid order is not complied with by the plaintiff, this Civil Suit is dismissed for non-prosecution. Consequently, connected applications are closed, if any. There shall be no order as to costs.

02.04.2024

ms

Index : Yes/No

Speaking / Non-speaking

To

The Sub-Assistant Registrar,
Original Side,
High Court, Madras.



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P.VELMURUGAN, J.

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