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A.No.6388 of 2023

Application No.6388 of 2023
in
C.S.No.127 of 2020

ABDUL QUDDHOSE, J.

The suit has been filed for recovery of money, which, according to the plaintiff, is towards the refund of the license charges on account of the defendants not permitting the plaintiff as licensee to continue with the license as per the contract.

2. The present application has been filed seeking for summary judgment against the defendants.

3. A defence has been raised in the counter affidavit filed by the defendants, wherein they are denying the existence of the contract disclosed in the plaint. According to them, the contract is a fabricated one and it is created by the plaintiff only for the purpose of filing the suit against the defendants. According to the defendants, in the year 2011 itself, the contract entered into between the first defendant and Mr.Jeyaraman, grandfather of the plaintiff, got over and thereafter, no further contract was entered into by the first defendant either with the



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plaintiff or with any of his family members. According to the defendants, the plaintiff is not a licensee and therefore, the present suit filed by him is a false suit. The defendants have also disputed the relationship between the plaintiff and Mr.Jeyaraman as disclosed in the plaint.

4. As seen from the counter affidavit filed by the defendants in this application, there are several triable issues involved, which cannot be adjudicated in this application. There is also no admission of liability on the part of the defendants to pay the dues of the applicant/plaintiff. While that be so, the question of allowing this application seeking for summary judgment does not arise.

5. The learned counsel for the applicant/plaintiff reiterated the contents of the affidavit filed in support of this application. He cannot substantiate his contentions through any documentary evidence, by which, the defendants have admitted the liability. When there is no documents produced as on date by the applicant/plaintiff to prove that the defendants have admitted the liability of the applicant/plaintiff, this



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Court cannot entertain this application for summary judgment, as there are several triable issues involved.

6. For the foregoing reasons, there is no merit in this application and accordingly, this application is dismissed. Post the main suit for framing issues on 11.03.2024.

22.02.2024

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