



OSA (CAD) No.92 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

O.S.A. (CAD) No. 92 of 2022
and
C.M.P.No.9958 of 2022 in O.S.A. (CAD) No.92 of 2022

M/s.Shivaraja Impex Company,
No.182/1A, Kattayapuram,
Virudhunagar – 626 001.

.. Appellant

Vs

M/s.V.V.V. & Sons Edible Oils Limited
rep. By its Director M.Rajiv Vignesh,
No.443, Bazaar,
Virudhunagar – 626 001.

Registered Address:

No.6, Ellayamudali Street II Lane,
(Kailasam Street),
Tondiarpet, Chennai 600 081.

.. Respondents

Appeal filed under Order XXXVI Rule 9 of O.S. Rules r/w
Clause 15 of The Letters Patent against the fair and decretal order
dated 01.07.2019 in C.S. No.475 of 2017.



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For Appellant : No appearance
For Respondent : Mr.S.Babu

JUDGMENT

(Judgment of the Court was delivered by **M.Sundar, J.**)

This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listings on 05.06.2024, 06.06.2024 and 07.06.2024 which read as follows:

Proceedings dated 05.06.2024:

Mr.V.Anand, learned counsel for sole respondent is before us but there is no representation for the appellant, with the intention of giving opportunity to the appellant and appellant's counsel, list this matter again tomorrow.

List on 06.06.2024.

Proceedings dated 06.06.2024:

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 05.06.2024.

2. The position is the same today with only one difference. While Mr.V.Anand, learned counsel for sole respondent was in the physical Court yesterday, today he



is on the 'VC' ['Videoconferencing'] platform. Otherwise, there is no representation for the appellant today also (to be noted, this is a hybrid hearing, which is a regular/routine/daily feature in this Court). However, with the intention of giving one more opportunity to the appellant and appellant's counsel, list this matter, again tomorrow.

List on 07.06.2024.

Proceedings dated 07.06.2024:

'Read this in conjunction with and in continuation of earlier proceedings made in the previous listings dated 05.06.2024 and 06.06.2024 which read as follows:

Proceedings dated 05.06.2024:

**'O.S.A. (CAD) No.92 of 2022
and
C.M.P. No.9958 of 2022
in
O.S.A. (CAD) No.92 of 2022**

**M.SUNDAR,J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

**(Order of the Court was made by
M.SUNDAR, J.)**

Mr.V.Anand, learned counsel for sole respondent is before us but there is no representation for the appellant, with the intention of giving opportunity to the appellant and appellant's counsel, list this matter again



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tomorrow.

List on 06.06.2024.'

Proceedings dated 06.06.2024:

**'O.S.A. (CAD) No.92 of 2022
and
C.M.P. No.9958 of 2022
in
O.S.A. (CAD) No.92 of 2022**

**M.SUNDAR,J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 05.06.2024.

2. The position is the same today with only one difference. While Mr.V.Anand, learned counsel for sole respondent was in the physical Court yesterday, today he is on the 'VC' ['Videoconferencing'] platform. Otherwise, there is no representation for the appellant today also (to be noted, this is a hybrid hearing, which is a regular / routine / daily feature in this Court). However, with the intention of giving one more opportunity to the appellant and appellant's counsel, list this matter, again tomorrow.

List on 07.06.2024.'



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2. The position is no different today i.e., there is no representation for the appellant but Mr.V.Anand, learned counsel for sole respondent is before us on 'Videoconferencing' ['VC'] platform. To be noted, this is a Hybrid Hearing which is a daily / regular / routine feature of this Court.

3. In the light of the trajectory the matter has taken, list the captioned matter under the cause list caption 'FOR DISMISSAL' on Monday. List on 10.06.2024.'

2. The aforementioned proceedings made in the previous three listings are tell tale qua what transpired before this Court. Therefore, it will suffice to say that the aforementioned proceedings made in the three previous listings shall be read as an integral part and parcel of this order.

3. Pursuant to the aforementioned three proceedings, the captioned matter was listed under the cause list caption 'FOR DISMISSAL' today. Today, in the first call in the forenoon session, Mr.S.Babu, learned counsel for sole respondent was before us but as regards the appellant there was no representation today also. Therefore, the matter was passed over and called again in the afternoon session. In the second call in the afternoon session also, the position is no different. In other words, there is no



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representation for the appellant but Mr.S.Babu, learned counsel for the respondent is before us.

4. In the light of the narrative thus far, captioned main OSA is dismissed for default/non-prosecution. Consequently, captioned 'Civil Miscellaneous Petition' ('CMP' for brevity) also perishes with the same. In other words, captioned CMP is also dismissed for default. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
10.06.2024

Index:Yes/No
Neutral Citation: Yes/No
mmi

To

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

M.SUNDAR.J.,
and



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K.GOVINDARAJAN THILAKAVADI, J.,
mmi

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10.06.2024