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C.S. No.159 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

C.S. No.159 of 2023

A.P.L. Nachammai W/o. AmpaPalaniappan

represented by Power of Attorney

Mr. M. Raja Sekhar

... Plaintiff

Vs.

1. M/s. OLAH - VIQ Software Solutions India Pvt. Ltd.,

represented by its Managing Director

M.P. Palaniyappan

2. M.P. Palaniyappan S/o. Paramasivam

... Defendants

PRAYER: The Complaint is filed under Order IV Rule I of Original Side Rules

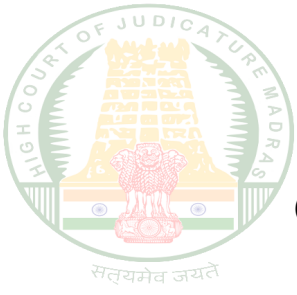
read with Order VII Rule 1 of Civil Procedure Code praying to pass a

judgment and decree against the defendants

(i)directing the defendants to pay a sum of Rs.1,15,68,273/- together

with interest at the rate of 18% p.a from the date of Complaint till

realization;



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(ii)directing the defendants to pay the cost of the Suit; and

WEB COPY (iii)for any other relief.

For Plaintiff : Mr. N. Alagu Narayanan
for M/s. RRN Legal.

JUDGMENT

This Civil Suit has been filed by the Plaintiff to direct the defendants to pay a sum of Rs.1,15,68,273/- together with interest @ 18% per annum from the date of Plaint till the realization and to pay cost.

2. The gist of the Plaint averments are as follows:-

The Plaintiff is the landlord and the 2nd defendant, representing the 1st defendant company, is the tenant and they entered into a rental Agreement dated 23.09.2013 and the same was not renewed due to the defendant's non co-operation. The defendants paid the monthly rent of Rs.1,12,360/- inclusive of service tax till April 2014. Thereafter, they did not pay the rent for the



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months of May to November 2014. Therefore, the Plaintiff approached the

Small Causes Court, Chennai. Thereafter, the defendants paid a sum of

Rs.7,86,520/- towards the arrears of rent. Thereafter, the Plaintiff initiated

eviction proceedings in RCOP No.1312 of 2015 before the X Small Causes

Court, Chennai and also filed an application to direct the defendants to pay

the arrears of rent totalling to Rs.10,28,000/- and the same was allowed. The

main RCOP was disposed of by evicting the 1st defendant by granting two

months' time. In the meantime, the 2nd defendant filed a Suit for permanent

injunction in O.S. No.2778 of 2014 before the XI Assistant Judge, City Civil

Court, Chennai and the same was dismissed on 01.08.2015. Thereafter, the

Plaintiff initiated execution proceedings in E.P. No.346 of 2016 in R.C.O.P.

No.1312 of 2015 before the X Small Causes Court, Chennai and the same was

allowed on 10.10.2022 and the possession was also given to the Plaintiff. The

defendants have to pay arrears of rent of Rs.1,15,68,273/-, after deducting the

payment of Rs.1 lakh which was paid by the 2nd defendant on 16.08.2022, in

respect of arrears of rent. Hence, the defendants have to pay the rent arrears

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amount. Therefore, the Plaintiff has filed the Suit.

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3. The defendants have not filed any Written statement and were set exparte.

4. The learned counsel appearing for the Plaintiff would submit that the defendants are the tenants and the monthly rent was fixed at Rs.1,12,360/- and the agreement was entered into between the parties on 23.09.2013 and thereafter, as there are arrears of rent, the Plaintiff initiated eviction proceedings and the same was ordered in R.C.O.P. No.1312 of 2015 on the file of the X Small Causes Court, Chennai. Thereafter, as per the order passed in E.P. No.346 of 2016, the defendants vacated the premises on 10.10.2022. The defendants have to pay a sum of Rs.1,15,68,273/- towards the arrears of rent. In the meantime, the 2nd defendant made a payment of Rs.1 lakh through a Demand Draft on 16.08.2022 and thereafter, they have not made any payment. Therefore, the Plaintiff has filed the Suit. In order to prove his

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case, the Plaintiff was examined as PW1 and marked Ex.P.1 to Ex.P.12. On

the side of defendants, no oral or documentary evidence adduced as they were

set exparte. Therefore, the Plaintiff has proved his claim.

5. This Court heard the Plaintiff's side and perused the entire materials available on record.

The *point for determination* in this Suit is "*whether the Plaintiff is entitled to decree as prayed for*".

6. According to the Plaintiff, he is the landlord and the 2nd defendant, representing the 1st defendant company, is the tenant and they entered into a rental Agreement dated 23.09.2013 and the monthly rent was fixed at Rs.1,12,360/-. There were arrears of rent, thereby, the Plaintiff filed an Eviction Petition in R.C.O.P. No.1312 of 2015. The defendants had to pay a sum of Rs.10,28,000/-. Since the defendants failed to pay the above said amount, an eviction order was passed on 24.06.2016. Thereafter, the Plaintiff

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had filed an execution petition in E. P. No.346 of 2016 and the same was

allowed on 10.10.2022 by evicting the defendants from the Suit premises. In

the meantime, the 2nd defendant paid a sum of Rs.1 lakh through a Demand

Draft dated 16.08.2022. The total rent arrears payable by the defendants is

Rs.1,15,68,273/-.

7. In order to prove the above said claim of the Plaintiff, he was examined as PW1 and Ex.P.1 to Ex.P.12 were marked. Ex.P.1 is the certified copy of the Plaint filed by the defendant in O.S. No.2778 of 2014 dated 12.05.2014. Ex.P.2 is the photocopy of the Demand Draft bearing number 472318 paid by the defendant to the Plaintiff dated 16.08.2022. Ex.P.3 is the certified copy of the order in E.P. No.346 of 2016 passed by the X Judge, Small Causes Court, Chennai dated 10.10.2022. Ex.P.4 is the photocopy of the Statement of Accounts from June 2016 to September 2022. Ex.P.5 is the Power of Attorney dated 01.12.2022. Ex.P.6 is the certified copy of the petition in R.C.O.P. No.1312 of 2015. Ex.P.7 is the certified copy of the

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counter filed by the respondent in R.C.O.P. No.1312 of 2015. Ex.P.8 is the

certified copy of the order in R.C.O.P. No.1312 of 2015. Ex.P.9 is the

certified copy of the written statement filed by the defendant in O.S. No.2778

of 2014 dated 14.11.2014 on the file of the City Civil Court, Chennai.

Ex.P.10 is the certified copy of Judgment and Decree in O.S. No.2778 of 2014

dated 01.08.2015 on the file of the City Civil Court, Chennai. Ex.P.11 is the

certified copy of the affidavit and petition filed by the petitioner in M.P.

No.136 of 2016 in R.C.O.P. No.1312 of 2015 dated 25.02.2016 on the file of

the X Judge, Small Causes Court, Chennai. Ex.P.12 is the certified copy of

the Judgment and Decree in M.P. No.136 of 2016 in R.C.O.P. No.1312 of

2015 dated 13.06.2016 on the file of the X Judge, Small Causes Court,

Chennai.

8. There is no contra evidence adduced by the defendants to rebut the Plaintiff's side evidence. The Plaintiffs side evidences clearly proved the claim made by the Plaintiff. The last payment made by the 2nd defendant

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was on 16.08.2022 towards arrears of rent. Thereafter, the defendants have

not made any payment. As per statement of accounts, the total arrears of rent is Rs.1,15,68,273/-. The Suit was filed in the year 2023. Therefore, the Plaintiff has proved his claim and the Plaintiff is entitled to decree for recovery of Suit money.

9. In the result, the Suit is decree with cost and the defendants are directed to pay a sum of Rs.1,15,68,273/- with interest @ 6% p.a. from the date of Plaint till the realization of the amount.

06.10.2025

Index : Yes/No
Speaking Order : Yes/No
mjs

APPENDIX:

List of Plaintiff side Witnesses:

PW1 : Mr. M. Raja Sekhar

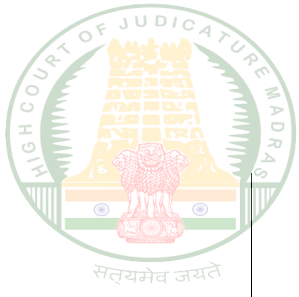
List of Plaintiff side Documents:

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Exhibit No.	Date	Description of Documents.
Ex.P.1	12.05.2014	Certified copy of the Complaint filed by the defendant in O.S. No.2778 of 2014.
Ex.P.2	16.08.2022	Photocopy of the Demand Draft bearing number 472318 paid by the defendant to the Plaintiff.
Ex.P.3	10.10.2022	Certified copy of the Judgment and Decree in E.P. No.346 of 2016 passed by the X Judge, Small Causes Court, Chennai
Ex.P.4	-	Photocopy of the Statement of Accounts from June 2016 to September 2022.
Ex.P.5	01.12.2022	Power of Attorney
Ex.P.6	-	Certified copy of the petition in R.C.O.P. No.1312 of 2015.
Ex.P.7	-	Certified copy of the counter filed by the respondent in R.C.O.P. No.1312 of 2015.
Ex.P.8		Certified copy of the order in R.C.O.P. No.1312 of 2015.
Ex.P.9	14.11.2014	Certified copy of the written statement filed by the defendant in O.S. No.2778 of 2014 on the file of the City Civil Court, Chennai.
Ex.P.10	01.08.2015	Certified copy of Judgment and Decree in O.S. No.2778 of 2014 on the file of the City Civil Court, Chennai.
Ex.P.11	25.02.2016	Certified copy of the affidavit and petition



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		filed by the petitioner in M.P. No.136 of 2016 in R.C.O.P. No.1312 of 2015 on the file of the X Judge, Small Causes Court, Chennai.
Ex.P.12	13.06.2016	Certified copy of the Judgment and Decree in M.P. No.136 of 2016 in R.C.O.P. No.1312 of 2015 on the file of the X Judge, Small Causes Court, Chennai.

List Defendant Side Witnesses and Documents:

NIL

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P. DHANABAL.,J

mjs



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