



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM :

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Application No.6314 of 2024

in

C.S.No.590 of 2019

S.Parthiban
Prop. of M/s.Silver Line Film Factory
No.26/1, 2nd Street, Kumaran Colony
Vadapalani, Chennai 600 026

Applicant

Vs

K.Thirumalaiya
Flat No.205, B-Block
Ankur Bob Classic Apartments
Door No.11, Ratnammal Street
Kodambakkam, Chennai 600 024
and 3 Others

Respondents

For Applicant : Mr.A.Chidambaram

For Respondents : Mr.S Sivaraman



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ORDER

By this application, plaintiff seeks to set aside the order dated 24.04.2024 and to consequently, restore the suit.

2. The order sheets disclose that parties were directed to file the Case Management Schedule and proof affidavit on 24.04.2024, by order dated 04.04.2024. On the next hearing on 24.04.2024, the suit was dismissed because plaintiff did not comply with the directions issued on 04.04.2024. In the affidavit in support of the application, it is stated that the Case Management Schedule could not be filed on 24.04.2024 particularly because plaintiff had filed an application for amendment.

3. Learned counsel for defendant opposes application *inter alia* on the ground that the suit is infructuous.

4. Upon examining the order sheets, it appears that grave prejudice would be caused to plaintiff unless order dated 24.04.2024 is



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set aside and the suit restored.

5. Accordingly, this application is allowed on the following terms:

- (i) The parties shall agree upon and submit a common proposed Case Management Schedule on 24.02.2025;
and
- (ii) The proof affidavit of the plaintiff's witness (PW1) shall be filed on the said date.

12.02.2025

kpl