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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 15TH DAY OF MARCH 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No.465 of 1996

M/s.Overseas Sanmar Financial Limited
No.8, Cathedral Road,
Madras - 600 086.

... Plaintiff

-Versus-

1.M/s.Embee Textiles Limited
Represented by its Managing Director
Mr.K.V.Kuppuswamy,
Registered office at Karur Road,
N.Paraipatti P.O.,
Dindigul 624 004

2.K.V.Kuppusamy
No.242, Trichy Road,
Sulur, Coimbatore

3.K.Padmavathy
No.242, Trichy Road,
Sulur, Coimbatore

4.Mrs.Maruthai Pillai
No.77/4, Velachery Road,
Madras 600 032

5.M.Arun Pillai
No.77/4, Velachery Road,
Madras 600 032



6.P.Maruthai Pillai
No.77/4, Velachery Road,
Madras 600 032

... Defendants

Civil Suit praying that this Hon'ble Court be pleased to pass a judgment and decree :

- a)directing the defendants 2,3,5 & 6 jointly and severally to pay a sum of Rs.1,35,50,288/- together with future interest thereon at the rate of 30% from the date of plaint till the date of realisation;
- b)directing the 4th defendant to pay the suit claim to the extent of assets the deceased Anand M.Pillai available in the hands of the 4th defendant as his sole legal heir;
- c)directing the defendants to pay the costs;

This Suit coming on this day before this court for hearing in the presence of Mr.G.Sundaram, Advocate for the 1st defendant herein and Mr.K.Sellathurai, Advocate for the defendants 2 and 3 herein and the plaintiff and the defendants 4 to 6 herein having not appeared in person or by advocate and upon reading the plaint filed herein,

it is ordered as follows:-

<https://hcservices.ecourts.gov.in/hcservices/> That the suit in C.S.No.465 of 1996 be and is hereby dismissed for non-prosecution.



2. That there shall be no costs of this suit.

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WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 15th DAY OF MARCH 2022

Sd./-
ASSISTANT REGISTRAR (O.S.I)
//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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29.03.2022
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C.S.No.465 of 1996

ORDER:

DATED: 15.03.2022

THE HON'BLE MRS.JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL:05.4.2022

APPROVED ON:06.04.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.03.2022

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYANC.S.No.465 of 1996

M/s.Overseas Sanmar Financial Limited

... Plaintiff

Vs.

1. M/s.Embee Textiles Limited
2. K.V.Kuppusamy
3. K.Padmavathy
4. Mrs.Maruthai Pillai
5. M.Arun Pillai
6. P.Maruthai Pillai

... Defendants

Plaint filed under Order IV Rule 1 of O.S. Rules read with Order VII Rule 1 CPC and Section 26 of CPC, praying for a judgment and decree as follows :

a) directing the defendants 2, 3, 5 & 6 jointly and severally to pay a sum of Rs.1,35,50,288/- together with future interest thereon at the rate of 30% from the date of plaint till the date of realisation.

b) directing the 4th defendant to pay the suit claim to the extent of

<https://hcservices.ecounts.gov.in/hcservices/>
assets the deceased Anand M.Pillai available in the hands of the 4th defendant as his sole legal heir.



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For Plaintiff : No Appearance

For D1 : Mr.G.Sundaram

For D2 & D3 : Mr.K.Sellathurai

JUDGMENT

When this matter which was listed under the caption “Determine Jurisdiction” was taken up for hearing on 08.03.2022, there was no representation on both sides. Hence, this Court, after determining the jurisdiction, directed the Registry to post the matter under the caption “For dismissal” on 15.03.2022. Accordingly, when the matter is listed today i.e. on 15.03.2022 under the said caption, counsels for the defendants 1 to 3 are present and there is no representation for the plaintiff as well as the defendants 4 to 6. In view of the same, this Civil Suit is dismissed for non prosecution. No costs.

Sd./-V.B.S.J.

15.03.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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