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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.S.No.74 of 2020

S.Sekar ... Plaintiff

Vs.

1. M/s.Vyas Building Pvt. Ltd,
Rep.by its Director, Mukesh Goyal,
No.18/19, Venkata Maistry Street,
George Town, Chennai-1

2. M/s.Loyal Housing Development (P) Ltd.
Rep.by its Managing Director
Uma Maheswaran,
No.1402, H Block,
15th Main Road, Anna Nagar,
Chennai-600 040.

(Amended as per order dated-30.08.2022 in A.No.3724/2022).

3. Indian Overseas Bank
Santhome Branch,
Rep.by its Manager,
No.128, Santhome High Road,
Chennai-600 004. ... Defendants

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PRAYER: The Plaint filed under Order IV Rule 1 of Original Side Rules of this Court read with Order VII Rule 1 of C.P.C., and numbered as C.S.No.74 of 2020, praying for judgment and decree against the defendants , as follows:

(a) Directing the defendants 1 and 2 to pay a sum of Rs.1,97,94,000/- to the plaintiff together with interest at 24% p.a on Rs.1,97,94,000/- from the date of plaint till the date of realization

(b) Directing the defendants to pay the cost of this suit

and

(c) Granting such other relief to the plaintiff under the circumstances of this case.

For Plaintiff : Mr.V.Manoharan

For D1 to D3 : Set ex-parte on 18.04.2024

J U D G M E N T

The suit is of the year 2020. Defendants were already set ex-parte vide order of this Court dated 18.04.2024 and further this Court had also directed the plaintiff to file proof affidavit of all the witnesses for chief examination on or before 12.06.2024 and posted the matter today.

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2. Today when the matter is taken up for hearing, the learned counsel for the plaintiff seeks further accommodation to file the proof affidavit. Despite sufficient opportunity was given to the plaintiff to file proof affidavit for witnesses, he has not filed the same. Hence, this Court of the view that the plaintiff is not interested in prosecuting the suit.

3. In view of the above, the suit is dismissed for default. No costs.

24.06.2024

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P.VELMURUGAN, J.

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C.S.No.74 of 2020

24.06.2024